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108TH CONGRESS
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[Report No. 108–353]

Making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2005, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 21, 2004

Mr. BOND, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

A BILL

Making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2005, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 Departments of Veteran Affairs and Housing and Urban

1 Development, and for sundry independent agencies,
 2 boards, commissions, corporations, and offices for the fis-
 3 cal year ending September 30, 2005, and for other pur-
 4 poses, namely:

5 TITLE I—DEPARTMENT OF VETERANS AFFAIRS

6 VETERANS BENEFITS ADMINISTRATION

7 COMPENSATION AND PENSIONS

8 (INCLUDING TRANSFER OF FUNDS)

9 For the payment of compensation benefits to or on
 10 behalf of veterans and a pilot program for disability ex-
 11 aminations as authorized by law (38 U.S.C. 107, chapters
 12 11, 13, 18, 51, 53, 55, and 61); pension benefits to or
 13 on behalf of veterans as authorized by law (38 U.S.C.
 14 chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and bur-
 15 ial benefits, emergency and other officers' retirement pay,
 16 adjusted-service credits and certificates, payment of pre-
 17 miums due on commercial life insurance policies guaran-
 18 teed under the provisions of article IV of the Soldiers' and
 19 Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 540 et
 20 seq.) and for other benefits as authorized by law (38
 21 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53,
 22 55, and 61; 50 U.S.C. App. 540–548; 43 Stat. 122, 123;
 23 45 Stat. 735; 76 Stat. 1198), \$32,607,688,000, to remain
 24 available until expended: *Provided*, That not to exceed
 25 \$20,703,000 of the amount appropriated under this head-
 26 ing shall be reimbursed to “General operating expenses”

1 and “Medical services” for necessary expenses in imple-
 2 menting those provisions authorized in the Omnibus
 3 Budget Reconciliation Act of 1990, and in the Veterans’
 4 Benefits Act of 1992 (38 U.S.C. chapters 51, 53, and 55),
 5 the funding source for which is specifically provided as the
 6 “Compensation and pensions” appropriation: *Provided*
 7 *further*, That such sums as may be earned on an actual
 8 qualifying patient basis, shall be reimbursed to “Medical
 9 facilities revolving fund” to augment the funding of indi-
 10 vidual medical facilities for nursing home care provided
 11 to pensioners as authorized.

12 READJUSTMENT BENEFITS

13 For the payment of readjustment and rehabilitation
 14 benefits to or on behalf of veterans as authorized by law
 15 (38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53,
 16 55, and 61), \$2,556,232,000, to remain available until ex-
 17 pended: *Provided*, That expenses for rehabilitation pro-
 18 gram services and assistance which the Secretary is au-
 19 thorized to provide under section 3104(a) of title 38,
 20 United States Code, other than under subsection (a)(1),
 21 (2), (5), and (11) of that section, shall be charged to this
 22 account.

23 VETERANS INSURANCE AND INDEMNITIES

24 For military and naval insurance, national service life
 25 insurance, servicemen’s indemnities, service-disabled vet-
 26 erans insurance, and veterans mortgage life insurance as

1 authorized by 38 U.S.C. chapter 19; 70 Stat. 887; 72
 2 Stat. 487, \$44,380,000, to remain available until ex-
 3 pended.

4 VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM

5 ACCOUNT

6 (INCLUDING TRANSFER OF FUNDS)

7 For the cost of direct and guaranteed loans, such
 8 sums as may be necessary to carry out the program, as
 9 authorized by 38 U.S.C. chapter 37, as amended: *Pro-*
 10 *vided*, That such costs, including the cost of modifying
 11 such loans, shall be as defined in section 502 of the Con-
 12 gressional Budget Act of 1974, as amended: *Provided fur-*
 13 *ther*, That during fiscal year 2005, within the resources
 14 available, not to exceed \$500,000 in gross obligations for
 15 direct loans are authorized for specially adapted housing
 16 loans.

17 In addition, for administrative expenses to carry out
 18 the direct and guaranteed loan programs, \$154,075,000,
 19 which may be transferred to and merged with the appro-
 20 priation for “General operating expenses”.

21 VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

22 (INCLUDING TRANSFER OF FUNDS)

23 For the cost of direct loans, \$47,000, as authorized
 24 by 38 U.S.C. chapter 31, as amended: *Provided*, That such
 25 costs, including the cost of modifying such loans, shall be
 26 as defined in section 502 of the Congressional Budget Act

1 of 1974, as amended: *Provided further*, That funds made
 2 available under this heading are available to subsidize
 3 gross obligations for the principal amount of direct loans
 4 not to exceed \$4,108,000.

5 In addition, for administrative expenses necessary to
 6 carry out the direct loan program, \$311,000, which may
 7 be transferred to and merged with the appropriation for
 8 “General operating expenses”.

9 NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM

10 ACCOUNT

11 (INCLUDING TRANSFER OF FUNDS)

12 For administrative expenses to carry out the direct
 13 loan program authorized by 38 U.S.C. chapter 37, sub-
 14 chapter V, as amended, \$571,000, which may be trans-
 15 ferred to and merged with the appropriation for “General
 16 operating expenses”: *Provided*, That no new loans in ex-
 17 cess of \$50,000,000 may be made in fiscal year 2005.

18 GUARANTEED TRANSITIONAL HOUSING LOANS FOR

19 HOMELESS VETERANS PROGRAM ACCOUNT

20 For the administrative expenses to carry out the
 21 guaranteed transitional housing loan program authorized
 22 by 38 U.S.C. chapter 37, subchapter VI, not to exceed
 23 \$600,000 of the amounts appropriated by this Act for
 24 “General operating expenses” and “Medical administra-
 25 tion” may be expended.

1 VETERANS HEALTH ADMINISTRATION

2 MEDICAL SERVICES

3 For necessary expenses for furnishing, as authorized
4 by law, inpatient and outpatient care and treatment to
5 beneficiaries of the Department of Veterans Affairs and
6 veterans described in paragraphs (1) through (8) of sec-
7 tion 1705(a) of title 38, United States Code, including
8 care and treatment in facilities not under the jurisdiction
9 of the department and including medical supplies and
10 equipment and salaries and expenses of health-care em-
11 ployees hired under title 38, United States Code, and aid
12 to State homes as authorized by section 1741 of title 38,
13 United States Code; \$18,298,600,000, plus reimburse-
14 ments: *Provided*, That of the funds made available under
15 this heading, not to exceed \$1,100,000,000 shall be avail-
16 able until September 30, 2006: *Provided further*, That,
17 notwithstanding any other provision of law, the Secretary
18 of Veterans Affairs shall establish a priority for treatment
19 for veterans who are service-connected disabled, lower in-
20 come, or have special needs: *Provided further*, That, not-
21 withstanding any other provision of law, the Secretary of
22 Veterans Affairs shall give priority funding for the provi-
23 sion of basic medical benefits to veterans in enrollment
24 priority groups 1 through 6: *Provided further*, That of the
25 funds made available under this heading, the Secretary

1 may transfer up to \$250,000,000, to remain available
2 until expended, to “Construction, major projects” for pur-
3 poses of implementing CARES subject to a determination
4 by the Secretary that such funds will improve access and
5 quality of veteran’s health care needs: *Provided further*,
6 That, notwithstanding any other provision of law, the Sec-
7 retary of Veterans Affairs may authorize the dispensing
8 of prescription drugs from Veterans Health Administra-
9 tion facilities to enrolled veterans with privately written
10 prescriptions based on requirements established by the
11 Secretary: *Provided further*, That the implementation of
12 the program described in the previous proviso shall incur
13 no additional cost to the Department of Veterans Affairs:
14 *Provided further*, That for the DOD VA Health Care
15 Sharing Incentive Fund, as authorized by section 721 of
16 Public Law 107–314, a minimum of \$15,000,000, to re-
17 main available until expended, for any purpose authorized
18 by 38 U.S.C. 8111.

19 For an additional amount for “Medical services”,
20 \$1,200,000,000: *Provided*, That the entire amount is des-
21 ignated as an emergency requirement pursuant to section
22 402 of S. Con. Res. 95 (108th Congress) as made applica-
23 ble to the House of Representatives by H. Res. 649 (108th
24 Congress) and applicable to the Senate by Section 14007
25 of Public Law 108–287.

MEDICAL ADMINISTRATION

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; information technology hardware and software; uniforms or allowances therefor, as authorized by sections 5901–5902 of title 5, United States Code; and administrative and legal expenses of the department for collecting and recovering amounts owed the department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.); \$4,705,000,000, of which \$250,000,000 shall be available until September 30, 2006, plus reimbursements.

MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities and other necessary facilities for the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the department; for oversight, engineering and architectural activities not charged to project costs; for repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the department,

1 not otherwise provided for, either by contract or by the
2 hire of temporary employees and purchase of materials;
3 for leases of facilities; and for laundry and food services,
4 \$3,745,000,000, of which \$250,000,000 shall be available
5 until September 30, 2006.

6 MEDICAL AND PROSTHETIC RESEARCH

7 For necessary expenses in carrying out programs of
8 medical and prosthetic research and development as au-
9 thorized by chapter 73 of title 38, United States Code,
10 to remain available until September 30, 2006,
11 \$405,592,800, plus reimbursements.

12 DEPARTMENTAL ADMINISTRATION

13 GENERAL OPERATING EXPENSES

14 For necessary operating expenses of the Department
15 of Veterans Affairs, not otherwise provided for, including
16 administrative expenses in support of department-wide
17 capital planning, management and policy activities, uni-
18 forms or allowances therefor; not to exceed \$25,000 for
19 official reception and representation expenses; hire of pas-
20 senger motor vehicles; and reimbursement of the General
21 Services Administration for security guard services, and
22 the Department of Defense for the cost of overseas em-
23 ployee mail, \$1,399,753,000: *Provided*, That expenses for
24 services and assistance authorized under 38 U.S.C.
25 3104(a)(1), (2), (5), and (11) that the Secretary deter-
26 mines are necessary to enable entitled veterans: (1) to the

1 maximum extent feasible, to become employable and to ob-
 2 tain and maintain suitable employment; or (2) to achieve
 3 maximum independence in daily living, shall be charged
 4 to this account: *Provided further*, That the Veterans Bene-
 5 fits Administration shall be funded at not less than
 6 \$1,102,193,000: *Provided further*, That of the funds made
 7 available under this heading, not to exceed \$66,000,000
 8 shall be available for obligation until September 30, 2006:
 9 *Provided further*, That from the funds made available
 10 under this heading, the Veterans Benefits Administration
 11 may purchase up to two passenger motor vehicles for use
 12 in operations of that Administration in Manila, Phil-
 13 ippines.

14 NATIONAL CEMETERY ADMINISTRATION

15 For necessary expenses of the National Cemetery Ad-
 16 ministration for operations and maintenance, not other-
 17 wise provided for, including uniforms or allowances there-
 18 for; cemeterial expenses as authorized by law; purchase
 19 of one passenger motor vehicle for use in cemeterial oper-
 20 ations; and hire of passenger motor vehicles,
 21 \$148,925,000: *Provided*, That of the funds made available
 22 under this heading, not to exceed \$7,400,000 shall be
 23 available until September 30, 2006.

24 OFFICE OF INSPECTOR GENERAL

25 For necessary expenses of the Office of Inspector
 26 General in carrying out the provisions of the Inspector

1 General Act of 1978, as amended, \$64,711,000, to remain
2 available until September 30, 2006.

3 CONSTRUCTION, MAJOR PROJECTS

4 For constructing, altering, extending and improving
5 any of the facilities including parking projects under the
6 jurisdiction or for the use of the Department of Veterans
7 Affairs, or for any of the purposes set forth in sections
8 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110,
9 and 8122 of title 38, United States Code, including plan-
10 ning, architectural and engineering services, maintenance
11 or guarantee period services costs associated with equip-
12 ment guarantees provided under the project, services of
13 claims analysts, offsite utility and storm drainage system
14 construction costs, and site acquisition, where the esti-
15 mated cost of a project is more than the amount set forth
16 in 38 U.S.C. 8104(a)(3)(A) or where funds for a project
17 were made available in a previous major project appropria-
18 tion, \$458,800,000, to remain available until expended, of
19 which \$370,709,000 shall be for Capital Asset Realign-
20 ment for Enhanced Services (CARES) activities; and of
21 which \$8,091,000 shall be to make reimbursements as
22 provided in 41 U.S.C. 612 for claims paid for contract
23 disputes: *Provided*, That except for advance planning ac-
24 tivities, including needs assessments which may or may
25 not lead to capital investments, and other capital asset
26 management related activities, such as portfolio develop-

1 ment and management activities, and investment strategy
 2 studies funded through the advance planning fund and the
 3 planning and design activities funded through the design
 4 fund and CARES funds, including needs assessments
 5 which may or may not lead to capital investments, none
 6 of the funds appropriated under this heading shall be used
 7 for any project which has not been approved by the Con-
 8 gress in the budgetary process: *Provided further*, That
 9 funds provided in this appropriation for fiscal year 2005,
 10 for each approved project (except those for CARES activi-
 11 ties referenced above) shall be obligated: (1) by the award-
 12 ing of a construction documents contract by September
 13 30, 2005; and (2) by the awarding of a construction con-
 14 tract by September 30, 2006: *Provided further*, That the
 15 Secretary of Veterans Affairs shall promptly report in
 16 writing to the Committees on Appropriations any ap-
 17 proved major construction project in which obligations are
 18 not incurred within the time limitations established above.

19 CONSTRUCTION, MINOR PROJECTS

20 For constructing, altering, extending, and improving
 21 any of the facilities including parking projects under the
 22 jurisdiction or for the use of the Department of Veterans
 23 Affairs, including planning and assessments of needs
 24 which may lead to capital investments, architectural and
 25 engineering services, maintenance or guarantee period
 26 services costs associated with equipment guarantees pro-

1 vided under the project, services of claims analysts, offsite
2 utility and storm drainage system construction costs, and
3 site acquisition, or for any of the purposes set forth in
4 sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109,
5 8110, 8122, and 8162 of title 38, United States Code,
6 where the estimated cost of a project is equal to or less
7 than the amount set forth in 38 U.S.C. 8104(a)(3)(A),
8 \$230,779,000, to remain available until expended, along
9 with unobligated balances of previous “Construction,
10 minor projects” appropriations which are hereby made
11 available for any project where the estimated cost is equal
12 to or less than the amount set forth in 38 U.S.C.
13 8104(a)(3)(A), of which \$182,100,000 shall be for Capital
14 Asset Realignment for Enhanced Services (CARES) ac-
15 tivities: *Provided*, That from amounts appropriated under
16 this heading, additional amounts may be used for CARES
17 activities upon notification of and approval by the Com-
18 mittees on Appropriations: *Provided further*, That funds
19 in this account shall be available for: (1) repairs to any
20 of the nonmedical facilities under the jurisdiction or for
21 the use of the department which are necessary because
22 of loss or damage caused by any natural disaster or catas-
23 trophe; and (2) temporary measures necessary to prevent
24 or to minimize further loss by such causes.

1 GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE
 2 FACILITIES

3 For grants to assist States to acquire or construct
 4 State nursing home and domiciliary facilities and to re-
 5 model, modify or alter existing hospital, nursing home and
 6 domiciliary facilities in State homes, for furnishing care
 7 to veterans as authorized by 38 U.S.C. 8131–8137,
 8 \$105,163,000, to remain available until expended.

9 GRANTS FOR THE CONSTRUCTION OF STATE VETERANS
 10 CEMETERIES

11 For grants to aid States in establishing, expanding,
 12 or improving State veterans cemeteries as authorized by
 13 38 U.S.C. 2408, \$32,000,000, to remain available until
 14 expended.

15 ADMINISTRATIVE PROVISIONS
 16 (INCLUDING RESCISSION OF FUNDS)

17 SEC. 101. Any appropriation for fiscal year 2005 for
 18 “Compensation and pensions”, “Readjustment benefits”,
 19 and “Veterans insurance and indemnities” may be trans-
 20 ferred to any other of the mentioned appropriations.

21 SEC. 102. Appropriations available to the Depart-
 22 ment of Veterans Affairs for fiscal year 2005 for salaries
 23 and expenses shall be available for services authorized by
 24 5 U.S.C. 3109 hire of passenger motor vehicles; lease of
 25 a facility or land or both; and uniforms or allowances
 26 therefore, as authorized by 5 U.S.C. 5901–5902.

1 SEC. 103. No appropriations in this Act for the De-
2 partment of Veterans Affairs (except the appropriations
3 for “Construction, major projects”, “Construction, minor
4 projects”, and the “Parking revolving fund”) shall be
5 available for the purchase of any site for or toward the
6 construction of any new hospital or home.

7 SEC. 104. No appropriations in this Act for the De-
8 partment of Veterans Affairs shall be available for hos-
9 pitalization or examination of any persons (except bene-
10 ficiaries entitled under the laws bestowing such benefits
11 to veterans, and persons receiving such treatment under
12 5 U.S.C. 7901–7904 or 42 U.S.C. 5141–5204), unless re-
13 imbursement of cost is made to the “Medical services” ac-
14 count at such rates as may be fixed by the Secretary of
15 Veterans Affairs.

16 SEC. 105. Appropriations available to the Depart-
17 ment of Veterans Affairs for fiscal year 2005 for “Com-
18 pensation and pensions”, “Readjustment benefits”, and
19 “Veterans insurance and indemnities” shall be available
20 for payment of prior year accrued obligations required to
21 be recorded by law against the corresponding prior year
22 accounts within the last quarter of fiscal year 2004.

23 SEC. 106. Appropriations accounts available to the
24 Department of Veterans Affairs for fiscal year 2005 shall
25 be available to pay prior year obligations of corresponding

1 prior year appropriations accounts resulting from title X
2 of the Competitive Equality Banking Act, Public Law
3 100–86, except that if such obligations are from trust
4 fund accounts they shall be payable from “Compensation
5 and pensions”.

6 SEC. 107. Notwithstanding any other provision of
7 law, during fiscal year 2005, the Secretary of Veterans
8 Affairs shall, from the National Service Life Insurance
9 Fund (38 U.S.C. 1920), the Veterans’ Special Life Insur-
10 ance Fund (38 U.S.C. 1923), and the United States Gov-
11 ernment Life Insurance Fund (38 U.S.C. 1955), reim-
12 burse the “General operating expenses” account for the
13 cost of administration of the insurance programs financed
14 through those accounts: *Provided*, That reimbursement
15 shall be made only from the surplus earnings accumulated
16 in an insurance program in fiscal year 2005 that are avail-
17 able for dividends in that program after claims have been
18 paid and actuarially determined reserves have been set
19 aside: *Provided further*, That if the cost of administration
20 of an insurance program exceeds the amount of surplus
21 earnings accumulated in that program, reimbursement
22 shall be made only to the extent of such surplus earnings:
23 *Provided further*, That the Secretary shall determine the
24 cost of administration for fiscal year 2005 which is prop-
25 erly allocable to the provision of each insurance program

1 and to the provision of any total disability income insur-
2 ance included in such insurance program.

3 SEC. 108. Notwithstanding any other provision of
4 law, the Department of Veterans Affairs shall continue the
5 Franchise Fund pilot program authorized to be estab-
6 lished by section 403 of Public Law 103–356 until Octo-
7 ber 1, 2005: *Provided*, That the Franchise Fund, estab-
8 lished by title I of Public Law 104–204 to finance the
9 operations of the Franchise Fund pilot program, shall con-
10 tinue until October 1, 2005.

11 SEC. 109. Amounts deducted from enhanced-use
12 lease proceeds to reimburse an account for expenses in-
13 curred by that account during a prior fiscal year for pro-
14 viding enhanced-use lease services, may be obligated dur-
15 ing the fiscal year in which the proceeds are received.

16 SEC. 110. Funds available in any Department of Vet-
17 erans Affairs appropriation for fiscal year 2005 or funds
18 for salaries and other administrative expenses shall also
19 be available to reimburse the Office of Resolution Manage-
20 ment and the Office of Employment Discrimination Com-
21 plaint Adjudication for all services provided at rates which
22 will recover actual costs but not exceed \$29,318,000 for
23 the Office of Resolution Management and \$3,059,000 for
24 the Office of Employment and Discrimination Complaint
25 Adjudication: *Provided*, That payments may be made in

1 advance for services to be furnished based on estimated
2 costs: *Provided further*, That amounts received shall be
3 credited to “General operating expenses” for use by the
4 office that provided the service.

5 SEC. 111. No appropriations in this Act for the De-
6 partment of Veterans Affairs shall be available to enter
7 into any new lease of real property if the estimated annual
8 rental is more than \$300,000 unless the Secretary submits
9 a report which the Committees on Appropriations of the
10 Congress approve within 30 days following the date on
11 which the report is received.

12 SEC. 112. No appropriations in this Act for the De-
13 partment of Veterans Affairs shall be available for hos-
14 pitalization or treatment of any person by reason of eligi-
15 bility under section 1710(a)(3) of title 38, United States
16 Code, unless that person has disclosed to the Secretary
17 of Veterans Affairs, in such form as the Secretary may
18 require—

19 (1) current, accurate third-party reimbursement
20 information for purposes of section 1729 of such
21 title; and

22 (2) annual income information for purposes of
23 section 1722 of such title.

24 SEC. 113. None of the funds in this Act may be used
25 to implement sections 2 and 5 of Public Law 107–287.

1 SEC. 114. (a) Hereafter receipts that would otherwise
2 be credited to the accounts listed in subsection (c) shall
3 be deposited into the Medical Care Collections Fund, and
4 shall be transferred to and merged with the “Medical serv-
5 ices” account in fiscal year 2005 and subsequent years,
6 to remain available until expended, to carry out the pur-
7 poses of the “Medical services” account.

8 (b) The unobligated balances in the accounts listed
9 in subsection (c), shall be transferred to and merged with
10 the “Medical services” account in fiscal year 2005 and
11 subsequent years and remain available until expended, to
12 carry out the purposes of the “Medical services” account:
13 *Provided*, That the obligated balances in these accounts
14 may be transferred to the “Medical services” account at
15 the discretion of the Secretary of Veterans Affairs and
16 shall remain available until expended.

17 (c) Veterans Extended Care Revolving Fund; Medical
18 Facilities Revolving Fund; Special Therapeutic and Reha-
19 bilitation Fund; Nursing Home Revolving Fund; Veterans
20 Health Services Improvement Fund; and Parking Revolv-
21 ing Fund.

22 SEC. 115. (a) The Secretary of Veterans Affairs shall
23 conduct by contract a program of recovery audits for the
24 fee basis and other medical services contracts with respect
25 to payments for hospital care. Notwithstanding section

1 3302(b) of title 31, United States Code, amounts col-
2 lected, by setoff or otherwise, as the result of such audits
3 shall be available, without fiscal year limitation, for the
4 purposes for which funds are appropriated under “Medical
5 services” and the purposes of paying a contractor a per-
6 cent of the amount collected as a result of an audit carried
7 out by the contractor.

8 (b) All amounts so collected under subsection (a) with
9 respect to a designated health care region (as that term
10 is defined in section 1729A(d)(2) of title 38, United States
11 Code) shall be allocated, net of payments to the con-
12 tractor, to that region.

13 SEC. 116. Notwithstanding any other provision of
14 law, at the discretion of the Secretary of Veterans Affairs,
15 proceeds or revenues derived from enhanced-use leasing
16 activities (including disposal) that are deposited into the
17 Medical Care Collections Fund may be transferred and
18 merged with “Construction, major projects” and “Con-
19 struction, minor projects” accounts and be used for con-
20 struction (including site acquisition and disposition), alter-
21 ations and improvements of any medical facility under the
22 jurisdiction or for the use of the Department of Veterans
23 Affairs. Such sums as realized are in addition to the
24 amount provided for in “Construction, major projects”
25 and “Construction, minor projects”.

1 SEC. 117. Any appropriation for fiscal year 2005 for
2 the Veterans Benefits Administration made available
3 under the heading for “General operating expenses” may
4 be transferred to the “Housing Program Account” for the
5 purpose of providing funds for the nationwide property
6 management contract if the administrative costs of such
7 contract exceed \$8,800,000 in the budget year.

8 SEC. 118. Amounts made available under “Medical
9 services” are available—

10 (1) for furnishing recreational facilities, sup-
11 plies, and equipment; and

12 (2) for funeral expenses, burial expenses, and
13 other expenses incidental to funerals and burials for
14 beneficiaries receiving care in the department.

15 SEC. 119. That such sums as may be deposited to
16 the Medical Care Collections Fund pursuant to 38 U.S.C.
17 1729A may be transferred to “Medical services”, to re-
18 main available until expended for the purposes of this ac-
19 count.

20 SEC. 120. Amounts made available for fiscal year
21 2005 under the “Medical services”, “Medical administra-
22 tion”, and “Medical facilities” accounts may be trans-
23 ferred between the accounts to the extent necessary to im-
24 plement the restructuring of the Veterans Health Admin-
25 istration accounts after notice of the amount and purpose

1 of the transfer is provided to the Committees on Appro-
2 priations of the Senate and House of Representatives and
3 a period of 30 days has elapsed: *Provided*, That the limita-
4 tion on transfers is 20 percent in fiscal year 2005.

5 SEC. 121. The Department of Veterans Affairs is au-
6 thorized to expend such sums as are available in the unob-
7 ligated balances of the funds originally appropriated to
8 Medical Care for emergency expenses resulting from the
9 January 1994 earthquake in Southern California in Public
10 Law 103–211, Emergency Supplemental Appropriations
11 Act of 1994, for the same purposes of the Medical Care
12 account, to remain available until expended.

13 SEC. 122. Such funds as may be transferred pursu-
14 ant to Public Law 108–199 from “Medical Services” to
15 “Construction, major projects” for purposes of imple-
16 menting CARES, shall, upon transfer, remain available
17 until expended.

18 SEC. 123. Notwithstanding any other provision of
19 law, the Secretary of Veterans Affairs (Secretary) shall
20 allow veterans eligible under existing VA Medical Care re-
21 quirements and who reside in Alaska to obtain medical
22 care services from medical facilities supported by the In-
23 dian Health Services or tribal organizations. The Sec-
24 retary shall (1) limit the application of this provision to
25 rural Alaskan veterans in areas where an existing VA fa-

1 cility or VA-contracted service is unavailable, (2) require
 2 participating veterans and facilities to comply with all ap-
 3 propriate rules and regulations, as established by the Sec-
 4 retary, (3) require this provision to be consistent with
 5 CARES, and (4) result in no additional cost to the De-
 6 partment of Veterans Affairs.

7 TITLE II—DEPARTMENT OF HOUSING AND

8 URBAN DEVELOPMENT

9 PUBLIC AND INDIAN HOUSING

10 HOUSING CERTIFICATE FUND

11 (INCLUDING TRANSFER AND RESCISSION OF FUNDS)

12 For activities and assistance under the United States
 13 Housing Act of 1937, as amended (42 U.S.C. 1437 et
 14 seq.) (“the Act” herein), not otherwise provided for,
 15 \$20,707,804,000, and amounts that are recaptured in this
 16 account, to remain available until expended: *Provided*,
 17 That of the amounts made available under this heading,
 18 \$16,507,804,000 and the aforementioned recaptures shall
 19 be available on October 1, 2004 and \$4,200,000,000 shall
 20 be available on October 1, 2005: *Provided further*, That
 21 amounts made available under this heading are provided
 22 as follows:

23 (1) \$19,034,000,000 for expiring or termi-
 24 nating section 8 project-based subsidy contracts (in-
 25 cluding section 8 moderate rehabilitation contracts),
 26 for amendments to section 8 project-based subsidy

1 contracts, for contracts entered into pursuant to sec-
2 tion 441 of the McKinney-Vento Homeless Assist-
3 ance Act, for the renewal of section 8 contracts for
4 units in projects that are subject to approved plans
5 of action under the Emergency Low Income Housing
6 Preservation Act of 1987 or the Low-Income Hous-
7 ing Preservation and Resident Homeownership Act
8 of 1990, and for renewals of expiring section 8 ten-
9 ant-based annual contributions contracts (including
10 amendments and renewals of enhanced vouchers
11 under any provision of law authorizing such assist-
12 ance under section 8(t) of the Act (42 U.S.C.
13 1437f(t))): *Provided*, That notwithstanding any
14 other provision of law, the Secretary shall renew ex-
15 piring section 8 tenant-based annual contributions
16 contracts for each public housing agency, (including
17 for agencies participating in the Moving to Work
18 demonstration, unit months representing section 8
19 tenant-based assistance funds committed by the pub-
20 lic housing agency for specific purposes, other than
21 reserves, that are authorized pursuant to any agree-
22 ment and conditions entered into under such dem-
23 onstration, and utilized in compliance with any ap-
24 plicable program obligation deadlines) based on the
25 total number of unit months which were under lease

1 as reported on the most recent end-of-year financial
2 statement submitted by the public housing agency to
3 the Department, or as adjusted by such additional
4 information submitted by the public housing agency
5 to the Secretary as of October 1, 2004 (subject to
6 verification), and by applying an inflation factor that
7 is not more than the annual adjustment factor es-
8 tablished by the Secretary, except that such factor
9 may be adjusted for high utility costs, where tenant
10 contributions substantially decrease or where an
11 owner demonstrates the rent for a subsidized unit is
12 less than the rent for a comparable unsubsidized
13 unit in the same census tract or larger area, as may
14 be appropriate, except as otherwise provided in this
15 Act: *Provided further*, That, notwithstanding any
16 other provision of law, all units shall be subject to
17 a rent reasonableness test: *Provided further*, That
18 none of the funds made available in this paragraph
19 may be used to support a total number of unit
20 months under lease which exceeds a public housing
21 agency's authorized level of units under contract;

22 (2) \$100,000,000 for a central fund to be allo-
23 cated by the Secretary for amendments to section 8
24 tenant-based annual contributions contracts for such
25 purposes set forth in this paragraph: *Provided*, That

1 subject to the following proviso, the Secretary may
2 use amounts made available in such fund, as nec-
3 essary, for an increase in the total number of unit
4 months under lease as compared to the number of
5 unit months under lease as of October 1, 2004, pro-
6 vided for by the annual contributions contract: *Pro-*
7 *vided further,* That if a public housing agency, at
8 any point in time during their fiscal year, has obli-
9 gated the amounts made available to such agency
10 pursuant to paragraph (1) under this heading for
11 the renewal of expiring section 8 tenant-based an-
12 nual contributions contracts, and if such agency has
13 expended fifty percent of the amounts available to
14 such agency in its annual contributions contract re-
15 serve account, the Secretary may only make avail-
16 able amounts as are necessary from amounts avail-
17 able from such central fund to fund additional
18 leased units under the preceding proviso within thir-
19 ty days of a request from such agency: *Provided fur-*
20 *ther,* That the Secretary may make available addi-
21 tional amounts to public housing agencies as are
22 necessary to meet costs under the previous para-
23 graph, as determined appropriate by the Secretary:
24 *Provided further,* That, except as provided otherwise
25 in this Act and under this heading, no public hous-

1 ing agency may receive a total amount under para-
 2 graph (1) and (2) that exceeds an amount equal to
 3 102 percent of the amount determined under para-
 4 graph (1) (including increased adjustments for high
 5 utility costs, reduced tenant contributions and where
 6 rents for subsidized units are less than rents for
 7 comparable unsubsidized units): *Provided further*,
 8 That none of the funds made available in this para-
 9 graph may be used to support a total number of unit
 10 months under lease which exceeds a public housing
 11 agency's authorized level of units under contract:
 12 *Provided further*, That the Secretary shall provide
 13 quarterly reports to the Committees on Appropria-
 14 tions of the House and the Senate on the obligation
 15 of funds provided in this paragraph in accordance
 16 with the directions specified in the report accom-
 17 panying this Act;

18 (3) \$163,000,000 for section 8 rental assistance
 19 for relocation and replacement of housing units that
 20 are demolished or disposed of pursuant to the Omni-
 21 bus Consolidated Rescissions and Appropriations Act
 22 of 1996 (Public Law 104–134), conversion of section
 23 23 projects to assistance under section 8, the family
 24 unification program under section 8(x) of the Act,
 25 relocation of witnesses in connection with efforts to

1 combat crime in public and assisted housing pursu-
2 ant to a request from a law enforcement or prosecu-
3 tion agency, enhanced vouchers under any provision
4 of law authorizing such assistance under section 8(t)
5 of the Act (42 U.S.C.1437f(t)), and tenant protec-
6 tion assistance, including replacement and relocation
7 assistance;

8 (4) \$48,000,000 for family self-sufficiency coor-
9 dinators under section 23 of the Act;

10 (5) \$1,256,000,000 for administrative and
11 other expenses of public housing agencies in admin-
12 istering the section 8 tenant-based rental assistance
13 program: *Provided*, That all such administrative fee
14 amounts provided under this paragraph shall be only
15 for activities related to the provision of rental assist-
16 ance under section 8, including related development
17 activities;

18 (6) \$101,900,000 for contract administrators
19 for section 8 project-based assistance; and

20 (7) not less than \$4,904,000 shall be trans-
21 ferred to the Working Capital Fund for the develop-
22 ment of and modifications to information technology
23 systems which serve programs or activities under
24 “Public and Indian Housing”.

1 The Secretary may transfer up to 15 percent of funds
2 provided under paragraphs (1), (2) or (3), herein to para-
3 graphs (1), (2), or (3), if the Secretary determines that
4 such action is necessary because the funding provided
5 under one such paragraph otherwise would be depleted
6 and as a result, the maximum utilization of section 8 ten-
7 ant-based assistance with the funds appropriated for this
8 purpose by this Act would not be feasible: *Provided*, That
9 prior to undertaking the transfer of funds in excess of 10
10 percent from any paragraph pursuant to the previous pro-
11 viso, the Secretary shall notify the Chairman and Ranking
12 Member of the Subcommittees on Veterans Affairs and
13 Housing and Urban Development, and Independent Agen-
14 cies of the Committees on Appropriations of the House
15 of Representatives and the Senate and shall not transfer
16 any such funds until 30 days after such notification: *Pro-*
17 *vided further*, That incremental vouchers previously made
18 available under this heading for non-elderly disabled fami-
19 lies shall, to the extent practicable, continue to be provided
20 to non-elderly disabled families upon turnover: *Provided*
21 *further*, That, hereafter, the Secretary shall require public
22 housing agencies to submit accounting data for funds dis-
23 bursed under this heading in this Act and prior Acts by
24 source and purpose of such funds: *Provided further*, That
25 \$2,588,172,000 is rescinded from unobligated balances re-

1 maining from funds appropriated to the Department of
2 Housing and Urban Development under this heading or
3 the heading “Annual contributions for assisted housing”
4 for fiscal year 2004 and prior years, to be effected by the
5 Secretary no later than June 30, 2005: *Provided further*,
6 That the Comptroller General of the United States shall
7 audit all funds available for rescission under the previous
8 proviso and certify the amount of funds available for re-
9 scission: *Provided further*, That to the extent that there
10 are insufficient funds to meet the rescission requirements
11 under the previous proviso, the remaining amount to be
12 rescinded shall be rescinded proportionately from each dis-
13 cretionary account and item of budget authority included
14 for fiscal year 2005 within this Act and from the amount
15 of budget authority provided for the advance appropriation
16 under the heading “Housing certificate fund” contained
17 in the Departments of Veterans Affairs and Housing and
18 Urban Development, and Independent Agencies Appro-
19 priations Act, 2004: *Provided further*, That no funds shall
20 be rescinded from the amount of budget authority pro-
21 vided under the heading “Medical services” contained in
22 title I of this Act: *Provided further*, That any obligated
23 balances of contract authority from fiscal year 1974 and
24 prior that have been terminated shall be cancelled.

PUBLIC HOUSING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g) (the “Act”) \$2,700,000,000, to remain available until September 30, 2008: *Provided*, That notwithstanding any other provision of law or regulation, during fiscal year 2005, the Secretary may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian Housing any authority under paragraph (2) of section 9(j) regarding the extension of the time periods under such section: *Provided further*, That for purposes of such section 9(j), the term “obligate” means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future: *Provided further*, That of the total amount provided under this heading, up to \$50,000,000 shall be for carrying out activities under section 9(h) of such Act, of which up to \$15,000,000 shall be for the provision of remediation services to public housing agencies identified as “troubled” under the Section 8 Management Assessment Program and for surveys used to calculate local Fair Market Rents and assess housing conditions in connection with rental

1 assistance under section 8 of the Act: *Provided further,*
2 That of the total amount provided under this heading,
3 such funds as necessary shall be for lease adjustments to
4 section 23 projects, and no less than \$4,500,000 shall be
5 transferred to the Working Capital Fund for the develop-
6 ment of and modifications to information technology sys-
7 tems which serve programs or activities under “Public and
8 Indian housing”: *Provided further,* That no funds may be
9 used under this heading for the purposes specified in sec-
10 tion 9(k) of the United States Housing Act of 1937, as
11 amended: *Provided further,* That of the total amount pro-
12 vided under this heading, up to \$50,000,000 shall be avail-
13 able for the Secretary of Housing and Urban Development
14 to make grants to public housing agencies for emergency
15 capital needs resulting from emergencies and natural dis-
16 asters in fiscal year 2005: *Provided further,* That of the
17 total amount provided under this heading, up to
18 \$55,000,000 shall be for supportive services, service coor-
19 dinators and congregate services as authorized by section
20 34 of the Act and the Native American Housing Assist-
21 ance and Self-Determination Act of 1996: *Provided fur-*
22 *ther,* That of the total amount provided under this head-
23 ing, \$15,000,000 shall be for Neighborhood Networks
24 grants for activities authorized in section 9(d)(1)(E) of the
25 United States Housing Act of 1937, as amended: *Provided*

1 *further*, That notwithstanding any other provision of law,
 2 amounts made available in the previous proviso shall be
 3 awarded to public housing agencies on a competitive basis:
 4 *Provided further*, That up to \$30,000,000 shall be avail-
 5 able for demolition, relocation, and site remediation for ob-
 6 solete and distressed public housing units.

7 PUBLIC HOUSING OPERATING FUND

8 For 2005 payments to public housing agencies for the
 9 operation and management of public housing, as author-
 10 ized by section 9(e) of the United States Housing Act of
 11 1937, as amended (42 U.S.C. 1437g(e)), \$2,610,000,000,
 12 of which \$15,000,000 in bonus funds shall be provided
 13 to public housing agencies that assist program partici-
 14 pants in moving away from dependency on housing assist-
 15 ance programs: *Provided*, That, for fiscal year 2005 and
 16 all fiscal years thereafter, the Secretary shall provide as-
 17 sistance under this heading on a calendar year basis to
 18 all public housing agencies: *Provided further*, That, for fis-
 19 cal year 2005, no public housing agency shall receive as-
 20 sistance under this heading in excess of the amount of
 21 assistance that is determined available to pay for the costs
 22 of operating and managing its public housing through De-
 23 cember 31, 2005: *Provided further*, That of the total
 24 amount provided under this heading, up to \$30,000,000
 25 shall be available for public housing agencies for the costs
 26 of transitioning to the budgeting of operating costs on a

1 calendar year basis, including the costs associated with im-
 2 plementing appropriate information technology systems:
 3 *Provided further*, That, in fiscal year 2005 and all fiscal
 4 years hereafter, no amounts under this heading in any ap-
 5 propriations Act may be used for payments to public hous-
 6 ing agencies for the costs of operation and management
 7 of public housing for any year prior to the current year
 8 of such Act: *Provided further*, That no funds may be used
 9 under this heading for the purposes specified in section
 10 9(k) of the United States Housing Act of 1937, as amend-
 11 ed.

12 REVITALIZATION OF SEVERELY DISTRESSED PUBLIC
 13 HOUSING (HOPE VI)

14 For grants to public housing agencies for demolition,
 15 site revitalization, replacement housing, and tenant-based
 16 assistance grants to projects as authorized by section 24
 17 of the United States Housing Act of 1937, as amended,
 18 \$150,000,000, to remain available until September 30,
 19 2005, of which the Secretary may use up to \$4,000,000
 20 for technical assistance and contract expertise, to be pro-
 21 vided directly or indirectly by grants, contracts or coopera-
 22 tive agreements, including training and cost of necessary
 23 travel for participants in such training, by or to officials
 24 and employees of the department and of public housing
 25 agencies and to residents: *Provided*, That none of such
 26 funds shall be used directly or indirectly by granting com-

1 petitive advantage in awards to settle litigation or pay
 2 judgments, unless expressly permitted herein.

3 DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

4 Of the unobligated balances remaining from funds
 5 appropriated in fiscal year 2001 and prior years under the
 6 heading “Drug elimination grants and low-income hous-
 7 ing,” \$5,000,000 is hereby cancelled.

8 NATIVE AMERICAN HOUSING BLOCK GRANTS

9 (INCLUDING TRANSFERS OF FUNDS)

10 For the Native American Housing Block Grants pro-
 11 gram, as authorized under title I of the Native American
 12 Housing Assistance and Self-Determination Act of 1996
 13 (NAHASDA) (25 U.S.C. 4111 et seq.), \$650,241,000, to
 14 remain available until expended, of which \$2,200,000 shall
 15 be contracted through the Secretary as technical assist-
 16 ance and capacity building to be used by the National
 17 American Indian Housing Council in support of the imple-
 18 mentation of NAHASDA; of which \$4,500,000 shall be
 19 to support the inspection of Indian housing units, contract
 20 expertise, training, and technical assistance in the train-
 21 ing, oversight, and management of Indian housing and
 22 tenant-based assistance, including up to \$300,000 for re-
 23 lated travel; and of which no less than \$500,000 shall be
 24 transferred to the Working Capital Fund for development
 25 of and modifications to information technology systems
 26 which serve programs or activities under “Public and In-

1 dian housing”: *Provided*, That of the amount provided
 2 under this heading, \$2,000,000 shall be made available
 3 for the cost of guaranteed notes and other obligations, as
 4 authorized by title VI of NAHASDA: *Provided further*,
 5 That such costs, including the costs of modifying such
 6 notes and other obligations, shall be as defined in section
 7 502 of the Congressional Budget Act of 1974, as amend-
 8 ed: *Provided further*, That these funds are available to sub-
 9 sidize the total principal amount of any notes and other
 10 obligations, any part of which is to be guaranteed, not to
 11 exceed \$17,926,357: *Provided further*, That for adminis-
 12 trative expenses to carry out the guaranteed loan program,
 13 up to \$150,000 from amounts in the first proviso, which
 14 shall be transferred to and merged with the appropriation
 15 for “Salaries and expenses”, to be used only for the ad-
 16 ministrative costs of these guarantees: *Provided further*,
 17 That of the unobligated balances remaining from funds
 18 appropriated in fiscal year 2004 and prior years under the
 19 heading, “Native American Housing Block Grant” for ac-
 20 tivities related to title VI of NAHASDA, \$21,000,000 is
 21 hereby cancelled.

22 INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM

23 ACCOUNT

24 (INCLUDING TRANSFER OF FUNDS)

25 For the cost of guaranteed loans, as authorized by
 26 section 184 of the Housing and Community Development

1 Act of 1992 (12 U.S.C. 1715z–13a), \$1,000,000, to re-
 2 main available until expended: *Provided*, That such costs,
 3 including the costs of modifying such loans, shall be as
 4 defined in section 502 of the Congressional Budget Act
 5 of 1974, as amended: *Provided further*, That these funds
 6 are available to subsidize total loan principal, any part of
 7 which is to be guaranteed, not to exceed \$29,069,767.

8 In addition, for administrative expenses to carry out
 9 the guaranteed loan program, up to \$250,000 from
 10 amounts in the first paragraph, which shall be transferred
 11 to and merged with the appropriation for “Salaries and
 12 expenses”, to be used only for the administrative costs of
 13 these guarantees.

14 Of the unobligated balances remaining from funds
 15 appropriated in fiscal year 2004 and prior years under the
 16 heading, “Indian Housing Loan Guarantee Fund Pro-
 17 gram Account,” for activities related to the cost of guaran-
 18 teed loans, \$33,000,000 are hereby cancelled.

19 NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND
 20 PROGRAM ACCOUNT
 21 (INCLUDING TRANSFER OF FUNDS)

22 For the cost of guaranteed loans, as authorized by
 23 section 184A of the Housing and Community Develop-
 24 ment Act of 1992 (12 U.S.C. 1715z–13b), \$1,000,000, to
 25 remain available until expended: *Provided*, That such
 26 costs, including the costs of modifying such loans, shall

1 be as defined in section 502 of the Congressional Budget
 2 Act of 1974, as amended: *Provided further*, That these
 3 funds are available to subsidize total loan principal, any
 4 part of which is to be guaranteed, not to exceed
 5 \$37,403,101.

6 In addition, for administrative expenses to carry out
 7 the guaranteed loan program, up to \$35,000 from
 8 amounts in the first paragraph, which shall be transferred
 9 to and merged with the appropriation for “Salaries and
 10 expenses”, to be used only for the administrative costs of
 11 these guarantees.

12 COMMUNITY PLANNING AND DEVELOPMENT

13 HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

14 For carrying out the Housing Opportunities for Per-
 15 sons with AIDS program, as authorized by the AIDS
 16 Housing Opportunity Act (42 U.S.C. 12901 et seq.),
 17 \$294,800,000, to remain available until September 30,
 18 2006: *Provided*, That the Secretary shall renew all expir-
 19 ing contracts for permanent supportive housing that were
 20 funded under section 854(c)(3) of such Act that meet all
 21 program requirements before awarding funds for new con-
 22 tracts and activities authorized under this section: *Pro-*
 23 *vided further*, That the Secretary may use up to
 24 \$2,500,000 of the funds under this heading for training,
 25 oversight, and technical assistance activities.

1 RURAL HOUSING AND ECONOMIC DEVELOPMENT

2 For the Office of Rural Housing and Economic De-
 3 velopment in the Department of Housing and Urban De-
 4 velopment, \$25,000,000 to remain available until ex-
 5 pended, which amount shall be competitively awarded by
 6 June 1, 2005, to Indian tribes, State housing finance
 7 agencies, State community and/or economic development
 8 agencies, local rural nonprofits and community develop-
 9 ment corporations to support innovative housing and eco-
 10 nomic development activities in rural areas.

11 COMMUNITY DEVELOPMENT FUND

12 (INCLUDING TRANSFERS OF FUNDS)

13 For assistance to units of State and local govern-
 14 ment, and to other entities, for economic and community
 15 development activities, and for other purposes,
 16 \$4,950,000,000, to remain available until September 30,
 17 2007 unless otherwise specified: *Provided*, That of the
 18 amount provided, \$4,547,700,000 is for carrying out the
 19 community development block grant program under title
 20 I of the Housing and Community Development Act of
 21 1974, as amended (the “Act” herein) (42 U.S.C. 5301 et
 22 seq.): *Provided further*, That unless explicitly provided for
 23 under this heading (except for planning grants provided
 24 in the third paragraph and amounts made available in the
 25 second paragraph), not to exceed 20 percent of any grant
 26 made with funds appropriated under this heading (other

1 than a grant made available in this paragraph to the
 2 Housing Assistance Council or the National American In-
 3 dian Housing Council, or a grant using funds under sec-
 4 tion 107(b)(3) of the Act) shall be expended for planning
 5 and management development and administration: *Pro-*
 6 *vided further*, That \$72,000,000 shall be for grants to In-
 7 dian tribes notwithstanding section 106(a)(1) of such Act;
 8 \$3,300,000 shall be for a grant to the Housing Assistance
 9 Council; \$2,500,000 shall be for a grant to the National
 10 American Indian Housing Council; \$51,000,000 shall be
 11 for grants pursuant to section 107 of the Act, of which
 12 \$10,000,000 shall be for the Native Hawaiian block grant
 13 authorized under title VIII of the Native American Hous-
 14 ing Assistance and Self-Determination Act of 1996, to re-
 15 main available until expended, of which \$500,000 shall for
 16 training and technical assistance; no less than \$500,000
 17 shall be transferred to the Working Capital Fund for the
 18 development of and modification to information technology
 19 systems which serve programs or activities under “Com-
 20 munity planning and development”; \$25,000,000 shall be
 21 for grants pursuant to the Self Help Homeownership Op-
 22 portunity Program; \$35,000,000 shall be for capacity
 23 building, of which \$31,500,000 shall be for Capacity
 24 Building for Community Development and Affordable
 25 Housing for LISC and the Enterprise Foundation for ac-

1 tivities as authorized by section 4 of the HUD Demonstra-
2 tion Act of 1993 (42 U.S.C. 9816 note), as in effect imme-
3 diately before June 12, 1997, with not less than
4 \$5,000,000 of the funding to be used in rural areas, in-
5 cluding tribal areas, and of which \$3,500,000 shall be for
6 capacity building activities administered by Habitat for
7 Humanity International; \$65,000,000 shall be available
8 for YouthBuild program activities authorized by subtitle
9 D of title IV of the Cranston-Gonzalez National Afford-
10 able Housing Act, as amended, and such activities shall
11 be an eligible activity with respect to any funds made
12 available under this heading: *Provided*, That local
13 YouthBuild programs that demonstrate an ability to lever-
14 age private and nonprofit funding shall be given a priority
15 for YouthBuild funding: *Provided further*, That no more
16 than 10 percent of any grant award under the YouthBuild
17 program may be used for administrative costs: *Provided*
18 *further*, That of the amount made available for YouthBuild
19 not less than \$7,000,000 is for grants to establish
20 YouthBuild programs in underserved and rural areas and
21 \$2,000,000 is to be made available for a grant to
22 YouthBuild USA for capacity building for community de-
23 velopment and affordable housing activities as specified in
24 section 4 of the HUD Demonstration Act of 1993, as
25 amended.

1 Of the amount made available under this heading,
2 \$22,000,000 shall be available for neighborhood initiatives
3 that are utilized to improve the conditions of distressed
4 and blighted areas and neighborhoods, to stimulate invest-
5 ment, economic diversification, and community revitaliza-
6 tion in areas with population outmigration or a stagnating
7 or declining economic base, or to determine whether hous-
8 ing benefits can be integrated more effectively with welfare
9 reform initiatives: *Provided*, That amounts made available
10 under this paragraph shall be provided in accordance with
11 the terms and conditions specified in the report accom-
12 panying this Act.

13 Of the amount made available under this heading,
14 \$126,000,000 shall be available for grants for the Eco-
15 nomic Development Initiative (EDI) to finance a variety
16 of targeted economic investments in accordance with the
17 terms and conditions specified in the report accompanying
18 this Act: *Provided*, That none of the funds provided under
19 this paragraph may be used for program operations.

20 The referenced statement of the managers under this
21 heading in title II of Division G of the Consolidated Ap-
22 propriations Resolution, 2004 (Public Law 108–199; H.
23 Rept. 108–401) is deemed to be amended with respect to
24 item 24 by striking “Tuscaloosa County Commission for
25 Community Development in Tuscaloosa County, Ala-

1 bama;” and insert in lieu thereof “City of Tuscaloosa for
2 community development in Tuscaloosa, Alabama;”.

3 The referenced statement of the managers under this
4 heading in title II of Division G of the Consolidated Ap-
5 propriations Resolution, 2004 (Public Law 108–199; H.
6 Rept. 108–401) is deemed to be amended with respect to
7 item 796 by striking “Community Center” and insert in
8 lieu thereof “Convention Center”.

9 The referenced statement of the managers under this
10 heading in title II of Public Law 107–73; H. Rept. 107–
11 272 is deemed to be amended by striking “Southern New
12 Mexico Fair and Rodeo in Dona Ana County for infra-
13 structure improvements and to build a multipurpose event
14 center;” and insert in lieu thereof “Dona Ana County,
15 New Mexico, for the Southern New Mexico State Fair to
16 make infrastructure improvements and to build a multi-
17 purpose event center;”.

18 The referenced statement of the managers under this
19 heading in title II of Division G of the Consolidated Ap-
20 propriations Resolution, 2004 (Public Law 108–199; H.
21 Rept. 108–401) is deemed to be amended with respect to
22 item 218 by striking “construction” and insert in lieu
23 thereof “planning and design”.

24 The referenced statement of the managers under this
25 heading in title II of Public Law 106–377; H. Rept. 106–

1 988 is deemed to be amended by striking “for the pur-
 2 chase of” and inserting in lieu thereof “for landscaping
 3 improvements” in respect to the grant to the Town of
 4 Beacon Falls, Connecticut.

5 The statement of managers accompanying Public
 6 Law 106–74, as amended by chapter 8 of title II of the
 7 Emergency Supplemental Act, 2000 (Public Law 106–
 8 246), is further amended by inserting “, to remain avail-
 9 able to be expended until September 30, 2007,” after
 10 “\$25,000,000”.

11 The referenced statement of managers under the
 12 heading in title II of Division G of the Consolidated Ap-
 13 propriations Resolution, 2004 (Public Law 108–199; H.
 14 Rpt. 108–401) is deemed to be amended with respect to
 15 numbers 418 and 423 by striking out both specified grants
 16 and inserting in lieu thereof “418. \$900,000 to Northland
 17 Neighborhoods, Inc. in Clay County, Missouri for the ex-
 18 pansion of the current Home Repair Program to provide
 19 home repairs to low- to moderate-income neighborhoods;”.

20 COMMUNITY DEVELOPMENT LOAN GUARANTEES

21 PROGRAM ACCOUNT

22 (INCLUDING TRANSFER OF FUNDS)

23 For the cost of guaranteed loans, \$6,325,000, to re-
 24 main available until September 30, 2005, as authorized
 25 by section 108 of the Housing and Community Develop-
 26 ment Act of 1974, as amended: *Provided*, That such costs,

1 including the cost of modifying such loans, shall be as de-
 2 fined in section 502 of the Congressional Budget Act of
 3 1974, as amended: *Provided further*, That these funds are
 4 available to subsidize total loan principal, any part of
 5 which is to be guaranteed, not to exceed \$275,000,000,
 6 notwithstanding any aggregate limitation on outstanding
 7 obligations guaranteed in section 108(k) of the Housing
 8 and Community Development Act of 1974, as amended.

9 In addition, for administrative expenses to carry out
 10 the guaranteed loan program, \$1,000,000 which shall be
 11 transferred to and merged with the appropriation for
 12 “Salaries and expenses”.

13 BROWNFIELDS REDEVELOPMENT

14 For competitive economic development grants, as au-
 15 thorized by section 108(q) of the Housing and Community
 16 Development Act of 1974, as amended, for Brownfields
 17 redevelopment projects, \$25,000,000, to remain available
 18 until September 30, 2007.

19 HOME INVESTMENT PARTNERSHIPS PROGRAM

20 (INCLUDING TRANSFER OF FUNDS)

21 For the HOME investment partnerships program, as
 22 authorized under title II of the Cranston-Gonzalez Na-
 23 tional Affordable Housing Act, as amended,
 24 \$2,000,000,000, to remain available until September 30,
 25 2007: *Provided*, That of the total amount provided in this
 26 paragraph, up to \$45,000,000 shall be available for hous-

1 ing counseling under section 106 of the Housing and
 2 Urban Development Act of 1968 and no less than
 3 \$200,000 shall be transferred to the Working Capital
 4 Fund for the development of and modifications to informa-
 5 tion technology systems which serve programs or activities
 6 under “Community planning and development”.

7 In addition to amounts otherwise made available
 8 under this heading, \$50,000,000, to remain available until
 9 September 30, 2007, for assistance to homebuyers as au-
 10 thorized under title I of the American Dream Downpay-
 11 ment Act.

12 HOMELESS ASSISTANCE GRANTS
 13 (INCLUDING TRANSFER OF FUNDS)

14 For the emergency shelter grants program as author-
 15 ized under subtitle B of title IV of the McKinney-Vento
 16 Homeless Assistance Act, as amended; the supportive
 17 housing program as authorized under subtitle C of title
 18 IV of such Act; the section 8 moderate rehabilitation sin-
 19 gle room occupancy program as authorized under the
 20 United States Housing Act of 1937, as amended, to assist
 21 homeless individuals pursuant to section 441 of the
 22 McKinney-Vento Homeless Assistance Act; and the shelter
 23 plus care program as authorized under subtitle F of title
 24 IV of such Act, \$1,260,000,000, of which \$1,240,000,000
 25 shall remain available until September 30, 2007, and of
 26 which \$20,000,000 shall remain available until expended:

1 *Provided*, That not less than 30 percent of funds made
2 available, excluding amounts provided for renewals under
3 the shelter plus care program, shall be used for permanent
4 housing: *Provided further*, That all funds awarded for
5 services shall be matched by 25 percent in funding by each
6 grantee: *Provided further*, That the Secretary shall renew
7 on an annual basis expiring contracts or amendments to
8 contracts funded under the shelter plus care program if
9 the program is determined to be needed under the applica-
10 ble continuum of care and meets appropriate program re-
11 quirements and financial standards, as determined by the
12 Secretary: *Provided further*, That all awards of assistance
13 under this heading shall be required to coordinate and in-
14 tegrate homeless programs with other mainstream health,
15 social services, and employment programs for which home-
16 less populations may be eligible, including Medicaid, State
17 Children's Health Insurance Program, Temporary Assist-
18 ance for Needy Families, Food Stamps, and services fund-
19 ing through the Mental Health and Substance Abuse
20 Block Grant, Workforce Investment Act, and the Welfare-
21 to-Work grant program: *Provided further*, That
22 \$12,000,000 of the funds appropriated under this heading
23 shall be available for the national homeless data analysis
24 project and technical assistance: *Provided further*, That no
25 less than \$500,000 of the funds appropriated under this

1 heading shall be transferred to the Working Capital Fund
 2 for the development of and modifications to information
 3 technology systems which serve programs or activities
 4 under “Community planning and development”: *Provided*
 5 *further*, That all balances for Shelter Plus Care renewals
 6 previously funded from the Shelter Plus Care Renewal ac-
 7 count shall be transferred to this account, to be available
 8 for Shelter Plus Care renewals in fiscal year 2005.

9 HOUSING PROGRAMS

10 HOUSING FOR THE ELDERLY

11 (INCLUDING TRANSFER OF FUNDS)

12 For capital advances, including amendments to cap-
 13 ital advance contracts, for housing for the elderly, as au-
 14 thorized by section 202 of the Housing Act of 1959, as
 15 amended, and for project rental assistance for the elderly
 16 under section 202(c)(2) of such Act, including amend-
 17 ments to contracts for such assistance and renewal of ex-
 18 piring contracts for such assistance for up to a 1-year
 19 term, and for supportive services associated with the hous-
 20 ing, \$773,800,000, plus recaptures and cancelled commit-
 21 ments, to remain available until September 30, 2008, of
 22 which amount \$53,000,000 shall be for service coordina-
 23 tors and the continuation of existing congregate service
 24 grants for residents of assisted housing projects, and of
 25 which amount up to \$30,000,000 shall be for grants under
 26 section 202b of the Housing Act of 1959 (12 U.S.C.

1 1701q–2) for conversion of eligible projects under such
2 section to assisted living or related use, for substantial re-
3 habilitation, and for emergency capital repairs as deter-
4 mined by the Secretary: *Provided*, That of the amount
5 made available under this heading, \$20,000,000 shall be
6 available to the Secretary of Housing and Urban Develop-
7 ment only for making competitive grants to private non-
8 profit organizations and consumer cooperatives for cov-
9 ering costs of architectural and engineering work, site con-
10 trol, and other planning relating to the development of
11 supportive housing for the elderly that is eligible for assist-
12 ance under section 202 of the Housing Act of 1959 (12
13 U.S.C. 1701q): *Provided further*, That no less than
14 \$75,000 shall be transferred to the Working Capital Fund
15 for the development of and modifications to information
16 technology systems which serve programs or activities
17 under “Housing programs” or “Federal Housing Admin-
18 istration”: *Provided further*, That the Secretary may waive
19 the provisions of section 202 governing the terms and con-
20 ditions of project rental assistance, except that the initial
21 contract term for such assistance shall not exceed 5 years
22 in duration.

23 HOUSING FOR PERSONS WITH DISABILITIES

24 (INCLUDING TRANSFER OF FUNDS)

25 For capital advance contracts, including amendments
26 to capital advance contracts, for supportive housing for

1 persons with disabilities, as authorized by section 811 of
2 the Cranston-Gonzalez National Affordable Housing Act,
3 for project rental assistance for supportive housing for
4 persons with disabilities under section 811(d)(2) of such
5 Act, including amendments to contracts for such assist-
6 ance and renewal of expiring contracts for such assistance
7 for up to a 1-year term, and for supportive services associ-
8 ated with the housing for persons with disabilities as au-
9 thorized by section 811(b)(1) of such Act, and for tenant-
10 based rental assistance contracts entered into pursuant to
11 section 811 of such Act, \$250,000,000, plus recaptures
12 and cancelled commitments to remain available until Sep-
13 tember 30, 2008: *Provided*, That no less than \$75,000
14 shall be transferred to the Working Capital Fund for the
15 development of and modifications to information tech-
16 nology systems which serve programs or activities under
17 “Housing programs” or “Federal Housing Administra-
18 tion”: *Provided further*, That of the amount provided
19 under this heading, other than amounts for renewal of ex-
20 piring project-based or tenant-based rental assistance con-
21 tracts, the Secretary may designate up to 25 percent for
22 tenant-based rental assistance, as authorized by section
23 811 of such Act, (which assistance is five years in dura-
24 tion): *Provided further*, That all tenant-based assistance
25 made available under this heading shall continue to re-

1 main available only to persons with disabilities: *Provided*
 2 *further*, That the Secretary may waive the provisions of
 3 section 811 governing the terms and conditions of project
 4 rental assistance and tenant-based assistance, except that
 5 the initial contract term for such assistance shall not ex-
 6 ceed five years in duration: *Provided further*, That all bal-
 7 ances outstanding, as of September 30, 2004, for capital
 8 advances, including amendments to capital advances, for
 9 supportive housing for persons with disabilities, as author-
 10 ized by section 811, for project rental assistance for sup-
 11 portive housing for persons with disabilities, as authorized
 12 under section 811(d)(2), including amendments to con-
 13 tracts for such assistance and renewal of expiring con-
 14 tracts for such assistance, and for supportive services as-
 15 sociated with the housing for persons with disabilities as
 16 authorized by section 811(b)(1), and for tenant-based
 17 rental assistance contracts entered into pursuant to sec-
 18 tion 811, shall be transferred to the appropriation under
 19 this heading.

20 FLEXIBLE SUBSIDY FUND

21 (TRANSFER OF FUNDS)

22 From the Rental Housing Assistance Fund, all un-
 23 committed balances of excess rental charges as of Sep-
 24 tember 30, 2004, and any collections made during fiscal
 25 year 2005 and all subsequent fiscal years, shall be trans-

ferred to the Flexible Subsidy Fund, as authorized by section 236(g) of the National Housing Act, as amended.

RENTAL HOUSING ASSISTANCE

(RESCISSION)

Of the amounts made available under the heading, “Rent Supplement,” in Public Law 98–63 for amendments to contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236(f)(2) of the National Housing Act (12 U.S.C. 1715 z–1) in State-aided, non-insured rental housing projects, \$675,000,000 is cancelled.

PAYMENT TO MANUFACTURED HOUSING FEES TRUST

FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401 et seq.), up to \$13,000,000 to remain available until expended, to be derived from the Manufactured Housing Fees Trust Fund: *Provided*, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: *Provided further*, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal

1 year 2005 so as to result in a final fiscal year 2005 appro-
 2 priation from the general fund estimated at not more than
 3 \$0 and fees pursuant to such section 620 shall be modified
 4 as necessary to ensure such a final fiscal year 2005 appro-
 5 priation.

6 FEDERAL HOUSING ADMINISTRATION
 7 MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT
 8 (INCLUDING TRANSFERS OF FUNDS)

9 During fiscal year 2005, loan guarantees to carry out
 10 the purposes of section 203(b) of the National Housing
 11 Act, as amended, shall not exceed a loan principal of
 12 \$185,000,000,000.

13 During fiscal year 2005, obligations to make direct
 14 loans to carry out the purposes of section 204(g) of the
 15 National Housing Act, as amended, shall not exceed
 16 \$50,000,000: *Provided*, That the foregoing amount shall
 17 be for loans to nonprofit and governmental entities in con-
 18 nection with sales of single family real properties owned
 19 by the Secretary and formerly insured under the Mutual
 20 Mortgage Insurance Fund.

21 For administrative expenses necessary to carry out
 22 the guaranteed and direct loan program, \$366,000,000,
 23 of which not to exceed \$362,000,000 shall be transferred
 24 to the appropriation for “Salaries and expenses”; and not
 25 to exceed \$4,000,000 shall be transferred to the appro-
 26 priation for “Office of Inspector General”. In addition, for

1 administrative contract expenses, \$70,900,000, of which
 2 no less than \$7,002,000 shall be transferred to the Work-
 3 ing Capital Fund for the development of and modifications
 4 to information technology systems which serve programs
 5 or activities under “Housing programs” or “Federal
 6 Housing Administration”: *Provided*, That to the extent
 7 loan guarantees exceed \$65,500,000,000 on or before
 8 April 1, 2005, an additional \$1,400 for administrative
 9 contract expenses shall be available for each \$1,000,000
 10 in additional loan guarantees (including a pro rata amount
 11 for any amount below \$1,000,000), but in no case shall
 12 funds made available by this proviso exceed \$30,000,000.

13 GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

14 (INCLUDING TRANSFERS OF FUNDS)

15 For the cost of guaranteed loans, as authorized by
 16 sections 238 and 519 of the National Housing Act (12
 17 U.S.C. 1715z-3 and 1735c), including the cost of loan
 18 guarantee modifications, as that term is defined in section
 19 502 of the Congressional Budget Act of 1974, as amend-
 20 ed, \$10,000,000, to remain available until expended: *Pro-*
 21 *vided*, That these funds are available to subsidize total
 22 loan principal, any part of which is to be guaranteed, of
 23 up to \$35,000,000,000: *Provided*, That of the amounts of
 24 such credit subsidy appropriated under this heading in
 25 prior years, \$30,000,000 is rescinded.

1 Gross obligations for the principal amount of direct
2 loans, as authorized by sections 204(g), 207(l), 238, and
3 519(a) of the National Housing Act, shall not exceed
4 \$50,000,000, of which not to exceed \$30,000,000 shall be
5 for bridge financing in connection with the sale of multi-
6 family real properties owned by the Secretary and for-
7 merly insured under such Act; and of which not to exceed
8 \$20,000,000 shall be for loans to nonprofit and govern-
9 mental entities in connection with the sale of single-family
10 real properties owned by the Secretary and formerly in-
11 sured under such Act.

12 In addition, for administrative expenses necessary to
13 carry out the guaranteed and direct loan programs,
14 \$234,000,000, of which \$214,000,000 shall be transferred
15 to the appropriation for “Salaries and expenses”; and of
16 which \$20,000,000 shall be transferred to the appropria-
17 tion for “Office of Inspector General”.

18 In addition, for administrative contract expenses nec-
19 essary to carry out the guaranteed and direct loan pro-
20 grams, \$81,600,000, of which no less than \$5,200,000
21 shall be transferred to the Working Capital Fund for the
22 development of and modifications to information tech-
23 nology systems which serve programs or activities under
24 “Housing programs” or “Federal Housing Administra-
25 tion”: *Provided*, That to the extent guaranteed loan com-

1 mitments exceed \$8,426,000,000 on or before April 1,
 2 2005, an additional \$1,980 for administrative contract ex-
 3 penses shall be available for each \$1,000,000 in additional
 4 guaranteed loan commitments over \$8,426,000,000 (in-
 5 cluding a pro rata amount for any increment below
 6 \$1,000,000), but in no case shall funds made available by
 7 this proviso exceed \$14,400,000.

8 GOVERNMENT NATIONAL MORTGAGE ASSOCIATION
 9 GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN
 10 GUARANTEE PROGRAM ACCOUNT
 11 (INCLUDING TRANSFER OF FUNDS)

12 New commitments to issue guarantees to carry out
 13 the purposes of section 306 of the National Housing Act,
 14 as amended (12 U.S.C. 1721(g)), shall not exceed
 15 \$200,000,000,000, to remain available until September
 16 30, 2006.

17 For administrative expenses necessary to carry out
 18 the guaranteed mortgage-backed securities program,
 19 \$10,986,000, to be derived from the GNMA guarantees
 20 of mortgage-backed securities guaranteed loan receipt ac-
 21 count, of which not to exceed \$10,986,000, shall be trans-
 22 ferred to the appropriation for “Salaries and expenses”.

23 POLICY DEVELOPMENT AND RESEARCH
 24 RESEARCH AND TECHNOLOGY

25 For contracts, grants, and necessary expenses of pro-
 26 grams of research and studies relating to housing and

1 urban problems, not otherwise provided for, as authorized
 2 by title V of the Housing and Urban Development Act
 3 of 1970, as amended (12 U.S.C. 1701z-1 et seq.), includ-
 4 ing carrying out the functions of the Secretary under sec-
 5 tion 1(a)(1)(i) of Reorganization Plan No. 2 of 1968,
 6 \$46,700,000, to remain available until September 30,
 7 2006: *Provided*, That of the total amount provided under
 8 this heading, \$7,500,000 shall be for the Partnership for
 9 Advancing Technology in Housing (PATH) Initiative.

10 FAIR HOUSING AND EQUAL OPPORTUNITY

11 FAIR HOUSING ACTIVITIES

12 For contracts, grants, and other assistance, not oth-
 13 erwise provided for, as authorized by title VIII of the Civil
 14 Rights Act of 1968, as amended by the Fair Housing
 15 Amendments Act of 1988, and section 561 of the Housing
 16 and Community Development Act of 1987, as amended,
 17 \$47,700,000, to remain available until September 30,
 18 2006, of which \$20,650,000 shall be to carry out activities
 19 pursuant to such section 561: *Provided*, That no funds
 20 made available under this heading shall be used to lobby
 21 the executive or legislative branches of the Federal Gov-
 22 ernment in connection with a specific contract, grant or
 23 loan.

OFFICE OF LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, \$175,000,000, to remain available until September 30, 2006, of which \$10,000,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: *Provided*, That of the total amount made available under this heading, \$50,000,000 shall be made available on a competitive basis for areas with the highest lead paint abatement needs, as identified by the Secretary as having: (1) the highest number of occupied pre-1940 units of rental housing; and (2) a disproportionately high number of documented cases of lead-poisoned children: *Provided further*, That each grantee receiving funds under the previous proviso shall target those privately owned units and multifamily buildings that are occupied by low-income families as defined under section 3(b)(2) of the United States Housing Act of 1937: *Provided further*, That not less than 90 percent of the funds made available under this para-

1 graph shall be used exclusively for abatement, inspections,
 2 risk assessments, temporary relocations and interim con-
 3 trol of lead-based hazards as defined by 42 U.S.C. 4851:
 4 *Provided further*, That each recipient of funds provided
 5 under the first proviso shall make a matching contribution
 6 in an amount not less than 25 percent: *Provided further*,
 7 That each applicant shall submit a detailed plan and strat-
 8 egy that demonstrates adequate capacity that is acceptable
 9 to the Secretary to carry out the proposed use of funds
 10 pursuant to a Notice of Funding Availability.

11 MANAGEMENT AND ADMINISTRATION

12 SALARIES AND EXPENSES

13 (INCLUDING TRANSFER OF FUNDS)

14 For necessary administrative and non-administrative
 15 expenses of the Department of Housing and Urban Devel-
 16 opment, not otherwise provided for, including purchase of
 17 uniforms, or allowances therefor, as authorized by 5
 18 U.S.C. 5901–5902; hire of passenger motor vehicles; serv-
 19 ices as authorized by 5 U.S.C. 3109; and not to exceed
 20 \$25,000 for official reception and representation expenses,
 21 \$1,179,000,000, of which \$576,000,000 shall be provided
 22 from the various funds of the Federal Housing Adminis-
 23 tration, \$10,986,000 shall be provided from funds of the
 24 Government National Mortgage Association, \$1,000,000
 25 shall be provided by transfer from Community Develop-
 26 ment Loan Guarantees Program Account, \$150,000 shall

1 be provided by transfer from the “Native American hous-
2 ing block grants” account, \$250,000 shall be provided by
3 transfer from the “Indian housing loan guarantee fund
4 program” account and \$35,000 shall be transferred from
5 the “Native Hawaiian housing loan guarantee fund” ac-
6 count: *Provided*, That no official or employee of the De-
7 partment shall be designated as an allotment holder unless
8 the Office of the Chief Financial Officer (OCFO) has de-
9 termined that such allotment holder has implemented an
10 adequate system of funds control and has received training
11 in funds control procedures and directives: *Provided fur-*
12 *ther*, That the Chief Financial Officer shall establish posi-
13 tive control of and maintain adequate systems of account-
14 ing for appropriations and other available funds as re-
15 quired by 31 U.S.C. 1514: *Provided further*, That for pur-
16 poses of funds control and determining whether a violation
17 exists under the Anti-Deficiency Act (31 U.S.C. 1341 et
18 seq.), the point of obligation shall be the executed agree-
19 ment or contract, except with respect to insurance and
20 guarantee programs, certain types of salaries and ex-
21 penses funding, and incremental funding that is author-
22 ized under an executed agreement or contract, and shall
23 be designated in the approved funds control plan: *Provided*
24 *further*, That the Chief Financial Officer shall: (a) appoint
25 qualified personnel to conduct investigations of potential

1 or actual violations; (b) establish minimum training re-
2 quirements and other qualifications for personnel that
3 may be appointed to conduct investigations; (c) establish
4 guidelines and timeframes for the conduct and completion
5 of investigations; (d) prescribe the content, format and
6 other requirements for the submission of final reports on
7 violations; and (e) prescribe such additional policies and
8 procedures as may be required for conducting investiga-
9 tions of, and administering, processing, and reporting on,
10 potential and actual violations of the Anti-Deficiency Act
11 and all other statutes and regulations governing the obli-
12 gation and expenditure of funds made available in this or
13 any other Act: *Provided further*, That the Secretary shall
14 fill 7 out of 10 vacancies at the GS-14 and GS-15 levels
15 until the total number of GS-14 and GS-15 positions in
16 the Department has been reduced from the number of
17 GS-14 and GS-15 positions on the date of enactment of
18 Public Law 106-377 by 2½ percent.

19 WORKING CAPITAL FUND

20 For additional capital for the Working Capital Fund
21 (42 U.S.C. 3535) for the development of, modifications
22 to, and infrastructure for Department-wide information
23 technology systems, and for the continuing operation of
24 both Department-wide and program-specific information
25 systems, \$234,000,000, to remain available until Sep-
26 tember 30, 2006: *Provided*, That any amounts transferred

1 to this Fund under this Act shall remain available until
 2 expended: *Provided further*, That any amounts transferred
 3 to this Fund from amounts appropriated by previously en-
 4 acted appropriations Acts may be used only for the pur-
 5 poses specified under this Fund, notwithstanding the pur-
 6 poses for which such amounts were appropriated.

7 OFFICE OF INSPECTOR GENERAL

8 (INCLUDING TRANSFER OF FUNDS)

9 For necessary expenses of the Office of Inspector
 10 General in carrying out the Inspector General Act of 1978,
 11 as amended, \$107,500,000, of which \$24,000,000 shall be
 12 provided from the various funds of the Federal Housing
 13 Administration: *Provided*, That the Inspector General
 14 shall have independent authority over all personnel issues
 15 within this office.

16 OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

17 SALARIES AND EXPENSES

18 (INCLUDING TRANSFER OF FUNDS)

19 For carrying out the Federal Housing Enterprises
 20 Financial Safety and Soundness Act of 1992, including
 21 not to exceed \$500 for official reception and representa-
 22 tion expenses, \$59,209,000, to remain available until ex-
 23 pended, to be derived from the Federal Housing Enter-
 24 prises Oversight Fund: *Provided*, That of the amount
 25 made available under this heading, \$5,000,000 is for liti-
 26 gation and to continue ongoing special investigations of

1 the federal housing enterprises: *Provided further*, That the
2 Director shall submit a spending plan for the amounts
3 provided under this heading no later than January 15,
4 2005: *Provided further*, That not less than 80 percent of
5 total amount made available under this heading shall be
6 used only for examination, supervision, and capital over-
7 sight of the enterprises (as such term is defined in section
8 1303 of the Federal Housing Enterprises Financial Safety
9 and Soundness Act of 1992 (12 U.S.C. 4502)) to ensure
10 that the enterprises are operating in a financially safe and
11 sound manner and complying with the capital require-
12 ments under Subtitle B of such Act: *Provided further*,
13 That \$10,000,000 of the amounts made available under
14 this heading shall be made available only upon the Senate
15 confirmation of a new Director: *Provided further*, That not
16 to exceed the amount provided herein shall be available
17 from the general fund of the Treasury to the extent nec-
18 essary to incur obligations and make expenditures pending
19 the receipt of collections to the Fund: *Provided further*,
20 That the general fund amount shall be reduced as collec-
21 tions are received during the fiscal year so as to result
22 in a final appropriation from the general fund estimated
23 at not more than \$0.

1 ADMINISTRATIVE PROVISIONS

2 SEC. 201. Fifty percent of the amounts of budget au-
3 thority, or in lieu thereof 50 percent of the cash amounts
4 associated with such budget authority, that are recaptured
5 from projects described in section 1012(a) of the Stewart
6 B. McKinney Homeless Assistance Amendments Act of
7 1988 (42 U.S.C. 1437 note) shall be rescinded, or in the
8 case of cash, shall be remitted to the Treasury, and such
9 amounts of budget authority or cash recaptured and not
10 rescinded or remitted to the Treasury shall be used by
11 State housing finance agencies or local governments or
12 local housing agencies with projects approved by the Sec-
13 retary of Housing and Urban Development for which set-
14 tlement occurred after January 1, 1992, in accordance
15 with such section. Notwithstanding the previous sentence,
16 the Secretary may award up to 15 percent of the budget
17 authority or cash recaptured and not rescinded or remitted
18 to the Treasury to provide project owners with incentives
19 to refinance their project at a lower interest rate.

20 SEC. 202. None of the amounts made available under
21 this Act may be used during fiscal year 2005 to investigate
22 or prosecute under the Fair Housing Act any otherwise
23 lawful activity engaged in by one or more persons, includ-
24 ing the filing or maintaining of a non-frivolous legal ac-
25 tion, that is engaged in solely for the purpose of achieving

1 or preventing action by a Government official or entity,
2 or a court of competent jurisdiction.

3 SEC. 203. (a) Notwithstanding section 854(c)(1)(A)
4 of the AIDS Housing Opportunity Act (42 U.S.C.
5 12903(c)(1)(A)), from any amounts made available under
6 this title for fiscal year 2005 that are allocated under such
7 section, the Secretary of Housing and Urban Development
8 shall allocate and make a grant, in the amount determined
9 under subsection (b), for any State that—

10 (1) received an allocation in a prior fiscal year
11 under clause (ii) of such section; and

12 (2) is not otherwise eligible for an allocation for
13 fiscal year 2005 under such clause (ii) because the
14 areas in the State outside of the metropolitan statis-
15 tical areas that qualify under clause (i) in fiscal year
16 2005 do not have the number of cases of acquired
17 immunodeficiency syndrome (AIDS) required under
18 such clause.

19 (b) The amount of the allocation and grant for any
20 State described in subsection (a) shall be an amount based
21 on the cumulative number of AIDS cases in the areas of
22 that State that are outside of metropolitan statistical
23 areas that qualify under clause (i) of such section
24 854(c)(1)(A) in fiscal year 2005, in proportion to AIDS
25 cases among cities and States that qualify under clauses

1 (i) and (ii) of such section and States deemed eligible
2 under subsection (a).

3 (c) Notwithstanding any other provision of law, the
4 amount allocated for fiscal year 2005 under section 854(c)
5 of the AIDS Housing Opportunity Act (42 U.S.C.
6 12903(c)), to the City of New York, New York, on behalf
7 of the New York-Wayne-White Plains, New York-New
8 Jersey Metropolitan Division (hereafter “metropolitan di-
9 vision”) of the New York-Newark-Edison, NY-NJ-PA
10 Metropolitan Statistical Area, shall be adjusted by the
11 Secretary of Housing and Urban Development by: (a) allo-
12 cating to the City of Jersey City, New Jersey, the propor-
13 tion of the metropolitan area’s or division’s amount that
14 is based on the number of cases of AIDS reported in the
15 portion of the metropolitan area or division that is located
16 in Hudson County, New Jersey; and (b) allocating to the
17 City of Paterson, New Jersey, the proportion of the metro-
18 politan area’s or division’s amount that is based on the
19 number of cases of AIDS reported in the portion of the
20 metropolitan area or division that is located in Bergen
21 County and Passaic County, New Jersey. The recipient
22 cities shall use amounts allocated under this subsection
23 to carry out eligible activities under section 855 of the
24 AIDS Housing Opportunity Act (42 U.S.C. 12904) in

1 their respective portions of the metropolitan division that
2 is located in New Jersey.

3 SEC. 204. (a) During fiscal year 2005, in the provi-
4 sion of rental assistance under section 8(o) of the United
5 States Housing Act of 1937 (42 U.S.C. 1437f(o)) in con-
6 nection with a program to demonstrate the economy and
7 effectiveness of providing such assistance for use in as-
8 sisted living facilities that is carried out in the counties
9 of the State of Michigan specified in subsection (b) of this
10 section, notwithstanding paragraphs (3) and (18)(B)(iii)
11 of such section 8(o), a family residing in an assisted living
12 facility in any such county, on behalf of which a public
13 housing agency provides assistance pursuant to section
14 8(o)(18) of such Act, may be required, at the time the
15 family initially receives such assistance, to pay rent in an
16 amount exceeding 40 percent of the monthly adjusted in-
17 come of the family by such a percentage or amount as
18 the Secretary of Housing and Urban Development deter-
19 mines to be appropriate.

20 (b) The counties specified in this subsection are Oak-
21 land County, Macomb County, Wayne County, and
22 Washtenaw County, in the State of Michigan.

23 SEC. 205. Except as explicitly provided in law, any
24 grant or other assistance made pursuant to title II of this
25 Act shall be made on a competitive basis and in accord-

1 ance with section 102 of the Department of Housing and
2 Urban Development Reform Act of 1989.

3 SEC. 206. Funds of the Department of Housing and
4 Urban Development subject to the Government Corpora-
5 tion Control Act or section 402 of the Housing Act of
6 1950 shall be available, without regard to the limitations
7 on administrative expenses, for legal services on a contract
8 or fee basis, and for utilizing and making payment for
9 services and facilities of the Federal National Mortgage
10 Association, Government National Mortgage Association,
11 Federal Home Loan Mortgage Corporation, Federal Fi-
12 nancing Bank, Federal Reserve banks or any member
13 thereof, Federal Home Loan banks, and any insured bank
14 within the meaning of the Federal Deposit Insurance Cor-
15 poration Act, as amended (12 U.S.C. 1811–1831).

16 SEC. 207. Unless otherwise provided for in this Act
17 or through a reprogramming of funds, no part of any ap-
18 propriation for the Department of Housing and Urban
19 Development shall be available for any program, project
20 or activity in excess of amounts set forth in the budget
21 estimates submitted to Congress.

22 SEC. 208. Corporations and agencies of the Depart-
23 ment of Housing and Urban Development which are sub-
24 ject to the Government Corporation Control Act, as
25 amended, are hereby authorized to make such expendi-

1 tures, within the limits of funds and borrowing authority
2 available to each such corporation or agency and in ac-
3 cordance with law, and to make such contracts and com-
4 mitments without regard to fiscal year limitations as pro-
5 vided by section 104 of such Act as may be necessary in
6 carrying out the programs set forth in the budget for 2005
7 for such corporation or agency except as hereinafter pro-
8 vided: *Provided*, That collections of these corporations and
9 agencies may be used for new loan or mortgage purchase
10 commitments only to the extent expressly provided for in
11 this Act (unless such loans are in support of other forms
12 of assistance provided for in this or prior appropriations
13 Acts), except that this proviso shall not apply to the mort-
14 gage insurance or guaranty operations of these corpora-
15 tions, or where loans or mortgage purchases are necessary
16 to protect the financial interest of the United States Gov-
17 ernment.

18 SEC. 209. None of the funds provided in this title
19 for technical assistance, training, or management improve-
20 ments may be obligated or expended unless HUD provides
21 to the Committees on Appropriations a description of each
22 proposed activity and a detailed budget estimate of the
23 costs associated with each program, project or activity as
24 part of the Budget Justifications. For fiscal year 2005,

1 HUD shall transmit this information to the Committees
2 by March 15, 2005 for 30 days of review.

3 SEC. 210. A public housing agency or such other enti-
4 ty that administers Federal housing assistance in the
5 states of Alaska, Iowa, and Mississippi shall not be re-
6 quired to include a resident of public housing or a recipi-
7 ent of assistance provided under section 8 of the United
8 States Housing Act of 1937 on the board of directors or
9 a similar governing board of such agency or entity as re-
10 quired under section (2)(b) of such Act. Each public hous-
11 ing agency or other entity that administers Federal hous-
12 ing assistance under section 8 in the states of Alaska,
13 Iowa and Mississippi shall establish an advisory board of
14 not less than 6 residents of public housing or recipients
15 of section 8 assistance to provide advice and comment to
16 the public housing agency or other administering entity
17 on issues related to public housing and section 8. Such
18 advisory board shall meet not less than quarterly.

19 SEC. 211. The Secretary of Housing and Urban De-
20 velopment shall provide quarterly reports to the House
21 and Senate Committees on Appropriations regarding all
22 uncommitted, unobligated, recaptured and excess funds in
23 each program and activity within the jurisdiction of the
24 Department and shall submit additional, updated budget
25 information to these Committees upon request.

1 SEC. 212. Notwithstanding any other provision of
2 law, in fiscal year 2005, in managing and disposing of any
3 multifamily property that is owned or held by the Sec-
4 retary, the Secretary of Housing and Urban Development
5 shall maintain any rental assistance payments under sec-
6 tion 8 of the United States Housing Act of 1937 that are
7 attached to any dwelling units in the property. To the ex-
8 tent the Secretary determines that such a multifamily
9 property owned or held by the Secretary is not feasible
10 for continued rental assistance payments under such sec-
11 tion 8, the Secretary may, in consultation with the tenants
12 of that property, contract for project-based rental assist-
13 ance payments with an owner or owners of other existing
14 housing properties or provide other rental assistance.

15 SEC. 213. The Secretary of Housing and Urban De-
16 velopment shall submit an annual report no later than Au-
17 gust 30, 2005 and annually thereafter to the House and
18 Senate Committees on Appropriations regarding the num-
19 ber of Federally assisted units under lease and the per
20 unit cost of these units to the Department of Housing and
21 Urban Development.

22 SEC. 214. (a) Notwithstanding any other provision
23 of law, the amount allocated for fiscal year 2005 under
24 section 854(c) of the AIDS Housing Opportunity Act (42
25 U.S.C. 12903(c)), to the City of Wilmington, Delaware,

1 on behalf of the Wilmington, Delaware-Maryland-New
2 Jersey Metropolitan Division (hereafter “metropolitan di-
3 vision”), shall be adjusted by the Secretary of Housing
4 and Urban Development by allocating to the State of New
5 Jersey the proportion of the metropolitan division’s
6 amount that is based on the number of cases of AIDS
7 reported in the portion of the metropolitan division that
8 is located in New Jersey. The State of New Jersey shall
9 use amounts allocated to the State under this subsection
10 to carry out eligible activities under section 855 of the
11 AIDS Housing Opportunity Act (42 U.S.C. 12904) in the
12 portion of the metropolitan division that is located in New
13 Jersey.

14 (b) Notwithstanding any other provision of law, the
15 Secretary of Housing and Urban Development shall allo-
16 cate to Wake County, North Carolina, the amounts that
17 otherwise would be allocated for fiscal year 2005 under
18 section 854(c) of the AIDS Housing Opportunity Act (42
19 U.S.C. 12903(c)) to the City of Raleigh, North Carolina,
20 on behalf of the Raleigh-Cary, North Carolina Metropoli-
21 tan Statistical Area. Any amounts allocated to Wake
22 County shall be used to carry out eligible activities under
23 section 855 of such Act (42 U.S.C. 12904) within such
24 metropolitan statistical area.

1 (c) Notwithstanding section 854(c) of the AIDS
2 Housing Opportunity Act (42 U.S.C. 12903(c)), the Sec-
3 retary of Housing and Urban Development may adjust the
4 allocation of the amounts that otherwise would be allo-
5 cated for fiscal year 2005 under section 854(c) of such
6 Act, upon the written request of an applicant, in conjunc-
7 tion with the State(s), for a formula allocation on behalf
8 of a metropolitan statistical area, to designate the State
9 or States in which the metropolitan statistical area is lo-
10 cated as the eligible grantee(s) of the allocation. In the
11 case that a metropolitan statistical area involves more
12 than one State, such amounts allocated to each State shall
13 be in proportion to the number of cases of AIDS reported
14 in the portion of the metropolitan statistical area located
15 in that State. Any amounts allocated to a State under this
16 section shall be used to carry out eligible activities within
17 the portion of the metropolitan statistical area located in
18 that State.

19 SEC. 215. Section 223(f)(1) of the National Housing
20 Act (12 U.S.C. 1715n(f)(1)) is amended by inserting
21 “purchase or” immediately before “refinancing of existing
22 debt”.

23 SEC. 216. Section 683(2) of the Housing and Com-
24 munity Development Act of 1992 is amended—

25 (1) in subparagraph (F), by striking “and”;

1 (2) in subparagraph (G), by striking “section.”
2 and inserting “section; and”; and

3 (3) by adding the following new subparagraph
4 at the end:

5 “(H) housing that is assisted under section
6 811 of the Cranston-Gonzalez National Afford-
7 able Housing Act.”.

8 SEC. 217. (a) Section 536(b)(1) of the National
9 Housing Act (12 U.S.C. 1735f–14(b)(1)) is amended by
10 adding the following new subparagraph at the end:

11 “(J) Failure to perform a required phys-
12 ical inspection of the mortgaged property.”.

13 (b) Section 537(c)(1)(B)(ii) of such Act (12 U.S.C.
14 1735f–15(c)(1)(B)(ii)) is amended by inserting after
15 “rents,” the following: “other revenues, or contract
16 rights,”.

17 (c) Section 537(c)(1)(B)(x) of such Act (12 U.S.C.
18 1735f–15(c)(1)(B)(x)) is amended to read as follows:

19 “(x) Failure to furnish the Secretary,
20 by the expiration of the 90-day period be-
21 ginning on the first day after the comple-
22 tion of each fiscal year (unless the Sec-
23 retary has approved an extension of the
24 90-day period in writing), with a complete
25 annual financial report, in accordance with

1 requirements prescribed by the Secretary,
2 including requirements that the report
3 be—

4 “(I) based upon an examination
5 of the books and records of the mort-
6 gator;

7 “(II) prepared and certified to by
8 an independent public accountant or a
9 certified public accountant (unless the
10 Secretary has waived this requirement
11 in writing); and

12 “(III) certified to by the mort-
13 gator or an authorized representative
14 of the mortgagor.

15 “The Secretary shall approve an extension where the
16 mortgagor demonstrates that failure to comply with this
17 clause is due to events beyond the control of the mort-
18 gator.”.

19 SEC. 218. Section 421 of the Housing and Commu-
20 nity Development Act of 1987 (12 U.S.C. 1715z–4a) is
21 amended—

22 (1) in subsection (a)(1)(A), by inserting after
23 “project” the following: “, nursing home, inter-
24 mediate care facility, board and care home, assisted
25 living facility, or hospital”;

1 (2) in subsection (a)(1)(B), by inserting after
2 “is” the following: “or, at the time of the violations,
3 was”;

4 (3) in the second sentence of subsection(a)(1),
5 by striking “project” and inserting “property”;

6 (4) in subsection (a)(2) by striking “which”
7 and all that follows through “any owner” and insert-
8 ing the following: “that owns or operates a property,
9 as identified in the regulatory agreement, including
10 but not limited to—

11 “(A) any stockholder holding 25 percent or
12 more interest of a corporation that owns that
13 property;

14 “(B) any beneficial owner of the property
15 under any business or trust;

16 “(C) any officer, director, or partner of an
17 entity owning or controlling the property;

18 “(D) any nursing home lessee or operator;

19 “(E) any hospital lessee or operator;

20 “(F) any other person or entity that con-
21 trols the property regardless of that person or
22 entity’s official relationship to the property; and

23 “(G) any heir, assignee, successor in inter-
24 est, or agent of any person or entity described
25 in the preceding subparagraphs”;

1 (5) in subsection (c), by striking “project” the
2 first two places it appears and inserting “property”;
3 and

4 (6) in subsection (d), by striking “project” and
5 inserting “a property’s”.

6 SEC. 219. Section 204(h) of the National Housing
7 Act (12 U.S.C. 1710(h)) is amended—

8 (1) in paragraph (2)—

9 (A) by striking “following assets of the
10 Secretary” and inserting “following categories
11 of assets of the Secretary, unless the Secretary
12 determines at any time that the asset property
13 is economically or otherwise infeasible to reha-
14 bilitate or that the best use of the asset prop-
15 erty is as open space (including park land)”;

16 (B) in subparagraph (B)(ii), by inserting
17 after “Act” the following: “except for mort-
18 gages insured under or made pursuant to sec-
19 tions 235, 247, or 255”; and

20 (C) by striking subparagraph (C);

21 (2) in the second sentence of paragraph (3), by
22 inserting after “government” the following: “,
23 States, and Indian tribes”;

24 (3) in paragraph (4)—

(A) in subparagraph (A)(i), by inserting after “government” the following: “, State, or Indian tribe”;

(B) by revising subparagraph (B)(ii) to read as follows:

“(ii) purchases all assets of the Secretary in the category or categories of eligible assets set forth in the sale agreement required under paragraph (7) that, at any time during the period which shall be set forth in the sale agreement—

“(I) are or become eligible for purchase under this subsection; and

“(II) are located in the asset control area of the purchaser; and”;

(C) in subparagraph (C), by striking “purchase of eligible assets under” and inserting “purchase of the category or categories of eligible assets set forth in the sale agreement under”;

(4) in paragraph (6)—

(A) by revising subparagraph (C) to read as follows:

“(C) DISCOUNTS.—The Secretary, in the sole discretion of the Secretary, shall establish

1 the discount under this paragraph for an eligi-
2 ble asset. In determining the discount, the Sec-
3 retary may consider the condition of the asset
4 property, the extent of resources available to
5 the preferred purchaser, the comprehensive re-
6 vitalization plan undertaken by such purchaser,
7 the financial safety and soundness of the Mu-
8 tual Mortgage Insurance Fund, and any other
9 circumstances the Secretary considers appro-
10 priate”; and

11 (B) by striking subparagraph (D);

12 (5) in paragraph (7)(A), by striking “eligible
13 assets to be purchased and the interests sold” and
14 inserting “category or categories of eligible assets to
15 be purchased and, based on the purchaser’s capacity
16 to manage and dispose of assets, the maximum num-
17 ber of assets owned by the Secretary at the time the
18 sale agreement is executed that shall be sold to the
19 purchaser”; and

20 (6) in paragraph (8)—

21 (A) in subparagraph (F), by inserting after
22 “State” the following: “, and any agency or in-
23 strumentality thereof that is established pursu-
24 ant to legislation and designated by the chief
25 executive officer to act on behalf of the jurisdic-

1 tion with regard to the provisions of this sub-
2 section”; and

3 (B) by adding the following new subpara-
4 graphs at the end:

5 “(G) STATE.—The term ‘State’ means any
6 State of the United States, the District of Co-
7 lumbia, the Commonwealth of Puerto Rico,
8 Guam, American Samoa, the Virgin Islands, the
9 Northern Mariana Islands, or any agency or in-
10 strumentality thereof that is established pursu-
11 ant to legislation and designated by the chief
12 executive officer to act on behalf of the State
13 with regard to provisions of this subsection.

14 “(H) INDIAN TRIBE.—The term “Indian
15 tribe” has the same meaning as in section
16 248(i)(I) of this Act.”.

17 SEC. 220. Section 203(c) of the National Housing
18 Act (12 U.S.C. 1709(c)), as amended, is further amended
19 in paragraph (1) by striking “subsections (n) and (k)” and
20 inserting “subsection (n)” and striking “or (k)”.

21 SEC. 221. Section 203(c)(2)(A) of the National
22 Housing Act (12 U.S.C. 1709(c)(2)(A)) is amended in the
23 last sentence after “subparagraph” by inserting the fol-
24 lowing: “, provided that the mortgagor refinances the un-
25 paid principal obligation under title II of this Act”. This

1 provision shall apply to loans that become insured on or
2 after date of enactment of this Act.

3 SEC. 222. Funds made available for the PATH Ini-
4 tiative under the heading “Policy development and re-
5 search” in the Departments of Veterans Affairs and Hous-
6 ing and Urban Development, and Independent Agencies
7 Appropriations Act, 2004 shall not be subject to the re-
8 quirements of section 205 of such Act.

9 SEC. 223. Title II of the Departments of Veterans
10 Affairs and Housing and Urban Development, and Inde-
11 pendent Agencies Appropriations Act, 2004 is amended—

12 (1) under the heading “Housing for the elder-
13 ly”, by striking “duration” and all that follows
14 through “heading.” and inserting in lieu thereof
15 “duration.”; and

16 (2) in the fourth proviso under the heading
17 “Housing for persons with disabilities”, by striking
18 “and merged with the amounts for these purposes
19 under this heading” and inserting in lieu thereof
20 “and for tenant-based rental assistance contracts en-
21 tered into pursuant to section 811, shall be trans-
22 ferred to the appropriation under this heading”.

23 SEC. 224. Section 9(g) of the United States Housing
24 Act of 1937 (42 U.S.C. 1437(g)) is amended by adding
25 at the end the following:

1 “(4) LIMITATION ON ELECTION ACTIVITIES.—

2 Notwithstanding any other provision of law, a public
3 housing agency shall not use any funds or revenues
4 provided under or derived from this Act for any ac-
5 tivities (including voter registration, voter identifica-
6 tion, or get-out-the vote activities, campaign activi-
7 ties to promote a party or candidate, and commu-
8 nication that promotes or opposes a candidate) re-
9 lated to any Federal, State, or local election.”.

10 SEC. 225. All financial assistance made available to
11 any person by any college or university shall be considered
12 adjusted income for purposes of section 3(b)(5) of the
13 United States Housing Act of 1937 (“1937 Act”).

14 SEC. 226. The funds made available for Native Alas-
15 kans under the heading “Native American Housing Block
16 Grants” in title II of this Act shall be allocated to the
17 same Native Alaskan Indian Housing block grant recipi-
18 ents that received funds in fiscal year 2004.

19 SEC. 227. Notwithstanding any other provision of
20 law, for this fiscal year and every fiscal year thereafter,
21 funds appropriated for housing for the elderly, as author-
22 ized by section 202 of the Housing Act of 1959, as amend-
23 ed, and for supportive housing for persons with disabil-
24 ities, as authorized by section 811 of the Cranston-Gon-
25 zalez National Affordable Housing Act, shall be available

1 for the cost of maintaining and disposing of such prop-
2 erties that are acquired or otherwise become the responsi-
3 bility of the Department.

4 SEC. 228. Public housing agencies in tight rental
5 markets, as determined by the Secretary of Housing and
6 Urban Development, may use up to 50 percent of their
7 section 8 assistance for project-based assistance. The Sec-
8 retary shall issue an interim regulation no later than May
9 15, 2005.

10 SEC. 229. (a) Notwithstanding any other provision
11 of law, subject to the conditions listed in subsection (b),
12 the Secretary may authorize the transfer of project-based
13 assistance, debt and statutorily required low-income and
14 very low-income use restrictions, associated with one mul-
15 tifamily housing project to another multifamily housing
16 project.

17 (b) The transfer authorized in subsection (a) is sub-
18 ject to the following conditions:

19 (1) the number of low-income and very low-in-
20 come units and the net dollar amount of Federal as-
21 sistance provided by the transferring project shall
22 remain the same in the receiving project;

23 (2) the transferring project shall, as determined
24 by the Secretary, be either physically obsolete or eco-
25 nomically non-viable;

1 (3) the receiving project shall meet or exceed
2 applicable physical standards established by the Sec-
3 retary;

4 (4) the owner or mortgagor of the transferring
5 project shall notify and consult with the tenants re-
6 siding in the transferring project and provide a cer-
7 tification of approval by all appropriate local govern-
8 mental officials;

9 (5) the tenants of the transferring project who
10 remain eligible for assistance to be provided by the
11 receiving project shall not be required to vacate their
12 units in the transferring project until new units in
13 the receiving project are available for occupancy;

14 (6) if either the transferring project or the re-
15 ceiving project meets the condition specified in sub-
16 section (c)(2)(A), any lien on the receiving project
17 resulting from additional financing obtained by the
18 owner shall be subordinate to any FHA-insured
19 mortgage lien transferred to, or placed on, such
20 project by the Secretary; and

21 (7) if the transferring project meets the re-
22 quirements of subsection (c)(2)(E), the owner or
23 mortgagor of the receiving project shall execute and
24 record either a continuation of the existing use
25 agreement or a new use agreement for the project

1 where, in either case, any use restrictions in such
2 agreement are of no lesser duration than the exist-
3 ing use restrictions.

4 (c) For purposes of this section—

5 (1) the terms “low-income” and “very low-in-
6 come” shall have the meanings provided by the stat-
7 ute and/or regulations governing the program under
8 which the project is insured or assisted;

9 (2) the term “multifamily housing project”
10 means housing that meets one of the following con-
11 ditions—

12 (A) housing that is subject to a mortgage
13 insured under the National Housing Act,

14 (B) housing that has project-based assist-
15 ance attached to the structure,

16 (C) housing that is assisted under section
17 202 of the Housing Act of 1959 as amended by
18 section 801 of the Cranston-Gonzales National
19 Affordable Housing Act,

20 (D) housing that is assisted under section
21 202 of the Housing Act of 1959, as such sec-
22 tion existed before the enactment of the Cran-
23 ston-Gonzales National Affordable Housing Act,
24 or,

1 (E) housing or vacant land that is subject
2 to a use agreement.

3 (3) the term “project-based assistance”
4 means—

5 (A) assistance provided under section 8(b)
6 of the United States Housing Act of 1937;

7 (B) assistance for housing constructed or
8 substantially rehabilitated pursuant to assist-
9 ance provided under section 8(b)(2) of such Act
10 (as such section existed immediately before Oc-
11 tober 1, 1983);

12 (C) rent supplement payments under sec-
13 tion 101 of the Housing and Urban Develop-
14 ment Act of 1965;

15 (D) additional assistance payments under
16 section 236(f)(2) of the National Housing Act;
17 and,

18 (E) assistance payments made under sec-
19 tion 202(c)(2) of the Housing Act of 1959.

20 (4) the term “receiving project” means the mul-
21 tifamily housing project to which the project-based
22 assistance, debt, and statutorily required use low-in-
23 come and very low-income restrictions are to be
24 transferred;

1 (5) the term “transferring project” means the
 2 multifamily housing project which is transferring the
 3 project-based assistance, debt and the statutorily re-
 4 quired low-income and very low-income use restric-
 5 tions to the receiving project; and,

6 (6) the term “Secretary” means the Secretary
 7 of Housing and Urban Development.

8 TITLE III—INDEPENDENT AGENCIES

9 AMERICAN BATTLE MONUMENTS COMMISSION

10 SALARIES AND EXPENSES

11 For necessary expenses, not otherwise provided for,
 12 of the American Battle Monuments Commission, including
 13 the acquisition of land or interest in land in foreign coun-
 14 tries; purchases and repair of uniforms for caretakers of
 15 national cemeteries and monuments outside of the United
 16 States and its territories and possessions; rent of office
 17 and garage space in foreign countries; purchase (one for
 18 replacement only) and hire of passenger motor vehicles;
 19 and insurance of official motor vehicles in foreign coun-
 20 tries, when required by law of such countries,
 21 \$46,100,000, to remain available until expended, of which
 22 \$9,100,000 is for the building of an interpretive center
 23 at the Normandy American Cemetery.

1 CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD
2 SALARIES AND EXPENSES

3 For necessary expenses in carrying out activities pur-
4 suant to section 112(r)(6) of the Clean Air Act, as amend-
5 ed, including hire of passenger vehicles, uniforms or allow-
6 ances therefore, as authorized by 5 U.S.C. 5901–5902,
7 and for services authorized by 5 U.S.C. 3109 but at rates
8 for individuals not to exceed the per diem equivalent to
9 the maximum rate payable for senior level positions under
10 5 U.S.C. 5376, \$9,000,000, of which \$400,000 shall be
11 maintained as an emergency fund for accident investiga-
12 tions which have not been anticipated in the Board’s fiscal
13 year 2005 budget plan: *Provided*, That the Chemical Safe-
14 ty and Hazard Investigation Board (Board) shall have not
15 more than three career Senior Executive Service positions:
16 *Provided further*, That notwithstanding any other provi-
17 sion of law, the individual appointed to the position of In-
18 spector General of the Environmental Protection Agency
19 (EPA) shall, by virtue of such appointment, also hold the
20 position of Inspector General of the Board: *Provided fur-*
21 *ther*, That notwithstanding any other provision of law, the
22 Inspector General of the Board shall utilize personnel of
23 the Office of Inspector General of EPA in performing the
24 duties of the Inspector General of the Board, and shall
25 not appoint any individuals to positions within the Board.

1 DEPARTMENT OF THE TREASURY
2 COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS
3 FUND PROGRAM ACCOUNT

4 To carry out the Community Development Banking
5 and Financial Institutions Act of 1994, including services
6 authorized by 5 U.S.C. 3109, but at rates for individuals
7 not to exceed the per diem rate equivalent to the rate for
8 ES-3, \$55,000,000, to remain available until September
9 30, 2006, of which \$4,000,000 shall be for financial assist-
10 ance, technical assistance, training and outreach programs
11 designed to benefit Native American, Native Hawaiian,
12 and Alaskan Native communities and provided primarily
13 through qualified community development lender organi-
14 zations with experience and expertise in community devel-
15 opment banking and lending in Indian country, Native
16 American organizations, tribes and tribal organizations
17 and other suitable providers, and up to \$14,900,000 may
18 be used for administrative expenses, including administra-
19 tion of the New Markets Tax Credit, up to \$6,000,000
20 may be used for the cost of direct loans, and up to
21 \$250,000 may be used for administrative expenses to
22 carry out the direct loan program: *Provided*, That the cost
23 of direct loans, including the cost of modifying such loans,
24 shall be as defined in section 502 of the Congressional
25 Budget Act of 1974, as amended: *Provided further*, That

1 these funds are available to subsidize gross obligations for
 2 the principal amount of direct loans not to exceed
 3 \$11,000,000.

4 CONSUMER PRODUCT SAFETY COMMISSION

5 SALARIES AND EXPENSES

6 For necessary expenses of the Consumer Product
 7 Safety Commission, including hire of passenger motor ve-
 8 hicles, services as authorized by 5 U.S.C. 3109, but at
 9 rates for individuals not to exceed the per diem rate equiv-
 10 alent to the maximum rate payable under 5 U.S.C. 5376,
 11 purchase of nominal awards to recognize non-Federal offi-
 12 cials' contributions to Commission activities, and not to
 13 exceed \$500 for official reception and representation ex-
 14 penses, \$62,650,000.

15 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

16 NATIONAL AND COMMUNITY SERVICE PROGRAMS

17 OPERATING EXPENSES

18 (INCLUDING TRANSFER OF FUNDS)

19 For necessary expenses for the Corporation for Na-
 20 tional and Community Service (the "Corporation") in car-
 21 rying out programs, activities, and initiatives under the
 22 National and Community Service Act of 1990 (the "Act")
 23 (42 U.S.C. 12501 et seq.), \$558,311,000, to remain avail-
 24 able until September 30, 2006: *Provided*, That not more
 25 than \$291,933,000 of the amount provided under this
 26 heading shall be available for grants under the National

1 Service Trust Program authorized under subtitle C of title
2 I of the Act (42 U.S.C. 12571 et seq.) (relating to activi-
3 ties of the AmeriCorps program), including grants to orga-
4 nizations operating projects under the AmeriCorps Edu-
5 cation Awards Program (without regard to the require-
6 ments of sections 121(d) and (e), section 131(e), section
7 132, and sections 140(a), (d), and (e) of the Act): *Pro-*
8 *vided further*, That not less than \$150,500,000 of the
9 amount provided under this heading, to remain available
10 without fiscal year limitation, shall be transferred to the
11 National Service Trust for educational awards authorized
12 under subtitle D of title I of the Act (42 U.S.C. 12601),
13 of which up to \$4,000,000 shall be available to support
14 national service scholarships for high school students per-
15 forming community service, and of which \$13,315,000
16 shall be held in reserve as defined in Public Law 108–
17 45: *Provided further*, That in addition to amounts other-
18 wise provided to the National Service Trust under the sec-
19 ond proviso, the Corporation may transfer funds from the
20 amount provided under the first proviso, to the National
21 Service Trust authorized under subtitle D of title I of the
22 Act (42 U.S.C. 12601) upon determination that such
23 transfer is necessary to support the activities of national
24 service participants and after notice is transmitted to Con-
25 gress: *Provided further*, That of the amount provided

1 under this heading for grants under the National Service
 2 Trust program authorized under subtitle C of title I of
 3 the Act, not more than \$55,000,000 may be used to ad-
 4 minister, reimburse, or support any national service pro-
 5 gram authorized under section 121(d)(2) of such Act (42
 6 U.S.C. 12581(d)(2)): *Provided further*, That not more
 7 than \$16,328,000 shall be available for quality and inno-
 8 vation activities authorized under subtitle H of title I of
 9 the Act (42 U.S.C. 12853 et seq.), of which \$6,000,000
 10 shall be available for challenge grants to non-profit organi-
 11 zations: *Provided further*, That notwithstanding subtitle H
 12 of title I of the Act (42 U.S.C. 12853), none of the funds
 13 provided under the previous proviso shall be used to sup-
 14 port salaries and related expenses (including travel) attrib-
 15 utable to Corporation employees: *Provided further*, That
 16 to the maximum extent feasible, funds appropriated under
 17 subtitle C of title I of the Act shall be provided in a man-
 18 ner that is consistent with the recommendations of peer
 19 review panels in order to ensure that priority is given to
 20 programs that demonstrate quality, innovation,
 21 replicability, and sustainability: *Provided further*, That not
 22 less than \$26,000,000 of the funds made available under
 23 this heading shall be available for the Civilian Community
 24 Corps authorized under subtitle E of title I of the Act
 25 (42 U.S.C. 12611 et seq.): *Provided further*, That not

1 more than \$43,000,000 shall be available for school-based
2 and community-based service-learning programs author-
3 ized under subtitle B of title I of the Act (42 U.S.C. 12521
4 et seq.): *Provided further*, That not more than \$3,550,000
5 shall be available for audits and other evaluations author-
6 ized under section 179 of the Act (42 U.S.C. 12639): *Pro-*
7 *vided further*, That not more than \$10,000,000 of the
8 funds made available under this heading shall be made
9 available for the Points of Light Foundation for activities
10 authorized under title III of the Act (42 U.S.C. 12661
11 et seq.), of which not more than \$2,500,000 may be used
12 to support an endowment fund, the corpus of which shall
13 remain intact and the interest income from which shall
14 be used to support activities described in title III of the
15 Act, provided that the Foundation may invest the corpus
16 and income in federally insured bank savings accounts or
17 comparable interest bearing accounts, certificates of de-
18 posit, money market funds, mutual funds, obligations of
19 the United States, and other market instruments and se-
20 curities but not in real estate investments: *Provided fur-*
21 *ther*, That no funds shall be available for national service
22 programs run by Federal agencies authorized under sec-
23 tion 121(b) of such Act (42 U.S.C. 12571(b)): *Provided*
24 *further*, That not more than \$5,000,000 of the funds made
25 available under this heading shall be made available to

1 America’s Promise—The Alliance for Youth, Inc.: *Pro-*
 2 *vided further*, That to the maximum extent practicable, the
 3 Corporation shall increase significantly the level of match-
 4 ing funds and in-kind contributions provided by the pri-
 5 vate sector, and shall reduce the total Federal costs per
 6 participant in all programs.

7 SALARIES AND EXPENSES

8 For necessary expenses of administration as provided
 9 under section 501(a)(4) of the National and Community
 10 Service Act of 1990 (42 U.S.C. 12501 et seq.) including
 11 payment of salaries, authorized travel, hire of passenger
 12 motor vehicles, the rental of conference rooms in the Dis-
 13 trict of Columbia, the employment of experts and consult-
 14 ants authorized under 5 U.S.C. 3109, and not to exceed
 15 \$2,500 for official reception and representation expenses,
 16 \$25,500,000.

17 OFFICE OF INSPECTOR GENERAL

18 For necessary expenses of the Office of Inspector
 19 General in carrying out the Inspector General Act of 1978,
 20 as amended, \$6,250,000, to remain available until Sep-
 21 tember 30, 2006.

22 ADMINISTRATIVE PROVISIONS

23 Notwithstanding any other provision of law, the term
 24 “qualified student loan” with respect to national service
 25 education awards shall mean any loan determined by an
 26 institution of higher education to be necessary to cover

1 a student's cost of attendance at such institution and
2 made, insured, or guaranteed directly to a student by a
3 State agency, in addition to other meanings under section
4 148(b)(7) of the National and Community Service Act.

5 Notwithstanding any other provision of law, funds
6 made available under section 129(d)(5)(B) of the National
7 and Community Service Act to assist entities in placing
8 applicants who are individuals with disabilities may be
9 provided to any entity that receives a grant under section
10 121 of the Act.

11 The Inspector General of the Corporation for Na-
12 tional and Community Service shall conduct random au-
13 dits of the grantees that administer activities under the
14 AmeriCorps programs and shall levy sanctions in accord-
15 ance with standard Inspector General audit resolution pro-
16 cedures which include, but are not limited to, debarment
17 of any grantee (or successor in interest or any entity with
18 substantially the same person or persons in control) that
19 has been determined to have committed any substantial
20 violations of the requirements of the AmeriCorps pro-
21 grams, including any grantee that has been determined
22 to have violated the prohibition of using Federal funds to
23 lobby the Congress: *Provided*, That the Inspector General
24 shall obtain reimbursements in the amount of any misused
25 funds from any grantee that has been determined to have

1 committed any substantial violations of the requirements
2 of the AmeriCorps programs.

3 For fiscal year 2005, the Corporation shall make any
4 significant changes to program requirements or policy only
5 through public notice and comment rulemaking. For fiscal
6 year 2005, during any grant selection process, no officer
7 or employee of the Corporation shall knowingly disclose
8 any covered grant selection information regarding such se-
9 lection, directly or indirectly, to any person other than an
10 officer or employee of the Corporation that is authorized
11 by the Corporation to receive such information.

12 U.S. COURT OF APPEALS FOR VETERANS CLAIMS

13 SALARIES AND EXPENSES

14 For necessary expenses for the operation of the
15 United States Court of Appeals for Veterans Claims as
16 authorized by 38 U.S.C. 7251–7298, \$17,623,000, of
17 which \$1,100,000 shall be available for the purpose of pro-
18 viding financial assistance as described, and in accordance
19 with the process and reporting procedures set forth, under
20 this heading in Public Law 102–229.

21 DEPARTMENT OF DEFENSE—CIVIL

22 CEMETERIAL EXPENSES, ARMY

23 SALARIES AND EXPENSES

24 For necessary expenses, as authorized by law, for
25 maintenance, operation, and improvement of Arlington

1 National Cemetery and Soldiers' and Airmen's Home Na-
 2 tional Cemetery, including the purchase of one passenger
 3 motor vehicle for replacement only, and not to exceed
 4 \$1,000 for official reception and representation expenses,
 5 \$29,600,000, to remain available until expended.

6 DEPARTMENT OF HEALTH AND HUMAN SERVICES

7 NATIONAL INSTITUTES OF HEALTH

8 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH

9 SCIENCES

10 For necessary expenses for the National Institute of
 11 Environmental Health Sciences in carrying out activities
 12 set forth in section 311(a) of the Comprehensive Environ-
 13 mental Response, Compensation, and Liability Act of
 14 1980, as amended, and section 126(g) of the Superfund
 15 Amendments and Reauthorization Act of 1986,
 16 \$80,486,000.

17 AGENCY FOR TOXIC SUBSTANCES AND DISEASE

18 REGISTRY

19 TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC

20 HEALTH

21 For necessary expenses for the Agency for Toxic Sub-
 22 stances and Disease Registry (ATSDR) in carrying out
 23 activities set forth in sections 104(i), 111(c)(4), and
 24 111(c)(14) of the Comprehensive Environmental Re-
 25 sponse, Compensation, and Liability Act of 1980

1 (CERCLA), as amended; section 118(f) of the Superfund
 2 Amendments and Reauthorization Act of 1986 (SARA),
 3 as amended; and section 3019 of the Solid Waste Disposal
 4 Act, as amended, \$76,654,000: *Provided*, That notwith-
 5 standing any other provision of law, in lieu of performing
 6 a health assessment under section 104(i)(6) of CERCLA,
 7 the Administrator of ATSDR may conduct other appro-
 8 priate health studies, evaluations, or activities, including,
 9 without limitation, biomedical testing, clinical evaluations,
 10 medical monitoring, and referral to accredited health care
 11 providers: *Provided further*, That in performing any such
 12 health assessment or health study, evaluation, or activity,
 13 the Administrator of ATSDR shall not be bound by the
 14 deadlines in section 104(i)(6)(A) of CERCLA: *Provided*
 15 *further*, That none of the funds appropriated under this
 16 heading shall be available for ATSDR to issue in excess
 17 of 40 toxicological profiles pursuant to section 104(i) of
 18 CERCLA during fiscal year 2005, and existing profiles
 19 may be updated as necessary.

20 ENVIRONMENTAL PROTECTION AGENCY

21 SCIENCE AND TECHNOLOGY

22 For science and technology, including research and
 23 development activities, which shall include research and
 24 development activities under the Comprehensive Environ-
 25 mental Response, Compensation, and Liability Act of

1 1980, as amended; necessary expenses for personnel and
2 related costs and travel expenses, including uniforms, or
3 allowances therefor, as authorized by 5 U.S.C. 5901–
4 5902; services as authorized by 5 U.S.C. 3109, but at
5 rates for individuals not to exceed the per diem rate equiv-
6 alent to the maximum rate payable for senior level posi-
7 tions under 5 U.S.C. 5376; procurement of laboratory
8 equipment and supplies; other operating expenses in sup-
9 port of research and development; construction, alteration,
10 repair, rehabilitation, and renovation of facilities, not to
11 exceed \$85,000 per project, \$758,179,000, which shall re-
12 main available until September 30, 2006.

13 ENVIRONMENTAL PROGRAMS AND MANAGEMENT

14 For environmental programs and management, in-
15 cluding necessary expenses, not otherwise provided for, for
16 personnel and related costs and travel expenses, including
17 uniforms, or allowances therefor, as authorized by 5
18 U.S.C. 5901–5902; services as authorized by 5 U.S.C.
19 3109, but at rates for individuals not to exceed the per
20 diem rate equivalent to the maximum rate payable for sen-
21 ior level positions under 5 U.S.C. 5376; hire of passenger
22 motor vehicles; hire, maintenance, and operation of air-
23 craft; purchase of reprints; library memberships in soci-
24 eties or associations which issue publications to members
25 only or at a price to members lower than to subscribers
26 who are not members; construction, alteration, repair, re-

1 habilitation, and renovation of facilities, not to exceed
2 \$85,000 per project; and not to exceed \$9,000 for official
3 reception and representation expenses, \$2,310,263,000,
4 which shall remain available until September 30, 2006, in-
5 cluding administrative costs of the brownfields program
6 under the Small Business Liability Relief and Brownfields
7 Revitalization Act of 2002.

8 OFFICE OF INSPECTOR GENERAL

9 For necessary expenses of the Office of Inspector
10 General in carrying out the provisions of the Inspector
11 General Act of 1978, as amended, and for construction,
12 alteration, repair, rehabilitation, and renovation of facili-
13 ties, not to exceed \$85,000 per project, \$38,000,000, to
14 remain available until September 30, 2006.

15 BUILDINGS AND FACILITIES

16 For construction, repair, improvement, extension, al-
17 teration, and purchase of fixed equipment or facilities of,
18 or for use by, the Environmental Protection Agency,
19 \$40,000,000, to remain available until expended.

20 HAZARDOUS SUBSTANCE SUPERFUND

21 (INCLUDING TRANSFERS OF FUNDS)

22 For necessary expenses to carry out the Comprehen-
23 sive Environmental Response, Compensation, and Liabil-
24 ity Act of 1980 (CERCLA), as amended, including sec-
25 tions 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C.
26 9611), and for construction, alteration, repair, rehabilita-

1 tion, and renovation of facilities, not to exceed \$85,000
2 per project; \$1,381,416,000, to remain available until ex-
3 pended, consisting of such sums as are available in the
4 Trust Fund upon the date of enactment of this Act as
5 authorized by section 517(a) of the Superfund Amend-
6 ments and Reauthorization Act of 1986 (SARA) and up
7 to \$1,381,416,000 as a payment from general revenues
8 to the Hazardous Substance Superfund for purposes as
9 authorized by section 517(b) of SARA, as amended: *Pro-*
10 *vided*, That funds appropriated under this heading may
11 be allocated to other Federal agencies in accordance with
12 section 111(a) of CERCLA: *Provided further*, That of the
13 funds appropriated under this heading, \$13,139,000 shall
14 be transferred to the “Office of Inspector General” appro-
15 priation to remain available until September 30, 2006,
16 and \$36,097,000 shall be transferred to the “Science and
17 technology” appropriation to remain available until Sep-
18 tember 30, 2006.

19 LEAKING UNDERGROUND STORAGE TANK PROGRAM

20 For necessary expenses to carry out leaking under-
21 ground storage tank cleanup activities authorized by sec-
22 tion 205 of the Superfund Amendments and Reauthoriza-
23 tion Act of 1986, and for construction, alteration, repair,
24 rehabilitation, and renovation of facilities, not to exceed
25 \$85,000 per project, \$70,000,000, to remain available
26 until expended.

1 OIL SPILL RESPONSE

2 For expenses necessary to carry out the Environ-
3 mental Protection Agency's responsibilities under the Oil
4 Pollution Act of 1990, \$16,000,000, to be derived from
5 the Oil Spill Liability trust fund, to remain available until
6 expended.

7 STATE AND TRIBAL ASSISTANCE GRANTS

8 For environmental programs and infrastructure as-
9 sistance, including capitalization grants for State revolv-
10 ing funds and performance partnership grants,
11 \$3,886,550,000, to remain available until expended, of
12 which \$1,350,000,000 shall be for making capitalization
13 grants for the Clean Water State Revolving Funds under
14 title VI of the Federal Water Pollution Control Act, as
15 amended (the "Act"); \$850,000,000 shall be for capital-
16 ization grants for the Drinking Water State Revolving
17 Funds under section 1452 of the Safe Drinking Water
18 Act, as amended, except that, notwithstanding section
19 1452(n) of the Safe Drinking Water Act, as amended,
20 none of the funds made available under this heading in
21 this Act, or in previous appropriations Acts, shall be re-
22 served by the Administrator for health effects studies on
23 drinking water contaminants; \$30,000,000 for competitive
24 grants for planning, design, engineering, and infrastruc-
25 ture improvements and construction for drinking water fa-
26 cilities in rural areas in order to meet the new require-

1 ments for arsenic in drinking water; \$50,000,000 shall be
2 for architectural, engineering, planning, design, construc-
3 tion and related activities in connection with the construc-
4 tion of high priority water and wastewater facilities in the
5 area of the United States-Mexico Border, after consulta-
6 tion with the appropriate border commission; \$50,000,000
7 shall be for grants to the State of Alaska to address drink-
8 ing water and waste infrastructure needs of rural and
9 Alaska Native Villages: *Provided, That*, of these funds (1)
10 the State of Alaska shall provide a match of 25 percent,
11 (2) no more than 5 percent of the funds may be used for
12 administrative and overhead expenses, and (3) not later
13 than October 1, 2004 the State of Alaska shall make
14 awards consistent with the statewide priority list estab-
15 lished in 2004 for all water, sewer, waste disposal, and
16 similar projects carried out by the State of Alaska that
17 are funded under section 221 of the Federal Water Pollu-
18 tion Control Act (33 U.S.C. 1301) or the Consolidated
19 Farm and Rural Development Act (7 U.S.C. 1921 et seq.)
20 which shall allocate not less than 25 percent of the funds
21 provided for projects in regional hub communities;
22 \$4,000,000 shall be for remediation of above ground leak-
23 ing fuel tanks pursuant to Public Law 106-554;
24 \$117,000,000 shall be for making grants for the construc-
25 tion of drinking water, wastewater and storm water infra-

1 structure and for water quality protection in accordance
2 with the terms and conditions specified for such grants
3 in the report accompanying this Act, and, for purposes
4 of these grants, each grantee shall contribute not less than
5 45 percent of the cost of the project unless the grantee
6 is approved for a waiver by the Agency; \$90,000,000 shall
7 be to carry out section 104(k) of the Comprehensive Envi-
8 ronmental Response, Compensation, and Liability Act of
9 1980 (CERCLA), as amended, including grants, inter-
10 agency agreements, and associated program support costs;
11 and \$1,162,550,000 shall be for grants, including associ-
12 ated program support costs, to States, federally recognized
13 tribes, interstate agencies, tribal consortia, and air pollu-
14 tion control agencies for multi-media or single media pol-
15 lution prevention, control and abatement and related ac-
16 tivities, including activities pursuant to the provisions set
17 forth under this heading in Public Law 104–134, and for
18 making grants under section 103 of the Clean Air Act for
19 particulate matter monitoring and data collection activi-
20 ties of which and subject to terms and conditions specified
21 by the Administrator, of which \$50,000,000 shall be for
22 carrying out section 128 of CERCLA, as amended, and
23 \$20,000,000 shall be for Environmental Information Ex-
24 change Network grants, including associated program
25 support costs, \$20,000,000 shall be for making competi-

1 tive targeted watershed grants: *Provided further*, That for
2 fiscal year 2005 and thereafter, State authority under sec-
3 tion 302(a) of Public Law 104–182 shall remain in effect:
4 *Provided further*, That notwithstanding section 603(d)(7)
5 of the Act, the limitation on the amounts in a State water
6 pollution control revolving fund that may be used by a
7 State to administer the fund shall not apply to amounts
8 included as principal in loans made by such fund in fiscal
9 year 2005 and prior years where such amounts represent
10 costs of administering the fund to the extent that such
11 amounts are or were deemed reasonable by the Adminis-
12 trator, accounted for separately from other assets in the
13 fund, and used for eligible purposes of the fund, including
14 administration: *Provided further*, That for fiscal year
15 2005, and notwithstanding section 518(f) of the Act, the
16 Administrator is authorized to use the amounts appro-
17 priated for any fiscal year under section 319 of that Act
18 to make grants to Indian tribes pursuant to sections
19 319(h) and 518(e) of that Act: *Provided further*, That for
20 fiscal year 2005, notwithstanding the limitation on
21 amounts in section 518(c) of the Act, up to a total of 1½
22 percent of the funds appropriated for State Revolving
23 Funds under title VI of that Act may be reserved by the
24 Administrator for grants under section 518(c) of such Act:
25 *Provided further*, That no funds provided by this legisla-

1 tion to address the water, wastewater and other critical
 2 infrastructure needs of the colonias in the United States
 3 along the United States-Mexico border shall be made
 4 available to a county or municipal government unless that
 5 government has established an enforceable local ordinance,
 6 or other zoning rule, which prevents in that jurisdiction
 7 the development or construction of any additional colonia
 8 areas, or the development within an existing colonia the
 9 construction of any new home, business, or other structure
 10 which lacks water, wastewater, or other necessary infra-
 11 structure: *Provided further*, That the referenced statement
 12 of the managers under this heading in Public Law 107–
 13 73 is deemed to be amended by striking “Southeast” in
 14 reference to item 9 and inserting “Southwest”: *Provided*
 15 *further*, That the referenced statement of the managers
 16 under this heading in Public Law 107–73, in reference
 17 to item number 103, is deemed to be amended by striking
 18 everything after the word “for”, and adding, “the City of
 19 Chicago, Illinois for water infrastructure improvements at
 20 the Thomas Jefferson and Lakeview Pumping Stations”:
 21 *Provided further*, That the referenced statement of the
 22 managers under this heading in Public Law 108–199, in
 23 reference to item number 484, is deemed to be amended
 24 by striking “City of Norfolk” and inserting “Portsmouth
 25 Virginia”: *Provided further*, That the referenced statement

1 of the managers under this heading in Public Law 108–
 2 199, in reference to item number 283, is deemed to be
 3 amended by striking “City of Kalispell, Montana” and in-
 4 serting “Flathead County Water and Sewer District No.
 5 1—Evergreen”: *Provided further*, That the referenced
 6 statement of managers under this heading in Public Law
 7 108–7, in reference to item number 139, is deemed to be
 8 amended by striking “State of Hawaii Health Depart-
 9 ment” and inserting “County of Hawaii”: *Provided fur-*
 10 *ther*, That the referenced statement of managers under
 11 this heading in Public Law 108–199, in reference to item
 12 number 148, is deemed to be amended by striking every-
 13 thing after the word “for” and inserting “the replacement
 14 of cesspools in Hawaii, \$250,000 to the City and County
 15 of Honolulu for Varona Village, \$500,000 to the County
 16 of Hawaii and the remainder to the Housing and Commu-
 17 nity Development Corporation of Hawaii;”: *Provided fur-*
 18 *ther*, That the referenced statement of the managers under
 19 this heading in Public Law 108–199, in reference to item
 20 number 388, is deemed to be amended by striking every-
 21 thing after the word “for” and inserting “the Southeast
 22 Water Treatment Plant in Lawton, Oklahoma for water
 23 and wastewater infrastructure improvements;”.

ADMINISTRATIVE PROVISIONS

25 For fiscal year 2005, notwithstanding 31 U.S.C.
 26 6303(1) and 6305(1), the Administrator of the Environ-

1 mental Protection Agency, in carrying out the Agency's
2 function to implement directly Federal environmental pro-
3 grams required or authorized by law in the absence of an
4 acceptable tribal program, may award cooperative agree-
5 ments to federally-recognized Indian Tribes or Intertribal
6 consortia, if authorized by their member Tribes, to assist
7 the Administrator in implementing Federal environmental
8 programs for Indian Tribes required or authorized by law,
9 except that no such cooperative agreements may be award-
10 ed from funds designated for State financial assistance
11 agreements.

12 The Administrator of the Environmental Protection
13 Agency is authorized to collect and obligate pesticide reg-
14 istration service fees in accordance with section 33 of the
15 Federal Insecticide, Fungicide, and Rodenticide Act, as
16 amended.

17 Notwithstanding CERCLA 104(k)(4)(B)(i)(IV), ap-
18 propriated funds for fiscal year 2005 and all fiscal years
19 thereafter may be used to award grants or loans under
20 section 104(k) of CERCLA to eligible entities that satisfy
21 all of the elements set forth in CERCLA section 101(40)
22 to qualify as a bona fide prospective purchaser except that
23 the date of acquisition of the property was prior to the
24 date of enactment of the Small Business Liability Relief
25 and Brownfield Revitalization Act of 2001.

1 For fiscal year 2005, notwithstanding any other pro-
2 vision of law, recipients of grants awarded under section
3 104(k) of the Comprehensive Environmental Response,
4 Compensation, and Liability Act of 1980 (42 U.S.C. 9601
5 et seq.) may use funds for reasonable administrative costs,
6 as determined by the Administrator of the Environmental
7 Protection Agency.

8 For fiscal years 2004 through 2009, the
9 Administrator may, after consultation with the Office of
10 Personnel Management, make not to exceed five appoint-
11 ments in any fiscal year under the authority provided in
12 42 U.S.C. 209 for the Office of Research and Develop-
13 ment.

14 The Administrator of the Environmental Protection
15 Agency shall submit budget justifications for fiscal year
16 2006 that identify (including a description of) each indi-
17 vidual program and activity; the requested budget levels
18 (including the appropriated levels for the prior two fiscal
19 years) for each program and activity; the amount of carry-
20 over, if available, for each program and activity for the
21 most recent fiscal year; the outlays for each program and
22 activity; a description and justification of any proposed
23 changes to each program and activity, and the relationship
24 of each program and activity to other programs and activi-
25 ties.

1 EXECUTIVE OFFICE OF THE PRESIDENT

2 OFFICE OF SCIENCE AND TECHNOLOGY POLICY

3 For necessary expenses of the Office of Science and
4 Technology Policy, in carrying out the purposes of the Na-
5 tional Science and Technology Policy, Organization, and
6 Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire
7 of passenger motor vehicles, and services as authorized by
8 5 U.S.C. 3109, not to exceed \$2,500 for official reception
9 and representation expenses, and rental of conference
10 rooms in the District of Columbia, \$7,081,000.

11 COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF

12 ENVIRONMENTAL QUALITY

13 For necessary expenses to continue functions as-
14 signed to the Council on Environmental Quality and Office
15 of Environmental Quality pursuant to the National Envi-
16 ronmental Policy Act of 1969, the Environmental Quality
17 Improvement Act of 1970, and Reorganization Plan No.
18 1 of 1977, and not to exceed \$750 for official reception
19 and representation expenses, \$3,284,000: *Provided*, That
20 notwithstanding section 202 of the National Environ-
21 mental Policy Act of 1970, the Council shall consist of
22 one member, appointed by the President, by and with the
23 advice and consent of the Senate, serving as chairman and
24 exercising all powers, functions, and duties of the Council.

1 FEDERAL DEPOSIT INSURANCE CORPORATION

2 OFFICE OF INSPECTOR GENERAL

3 For necessary expenses of the Office of Inspector
4 General in carrying out the provisions of the Inspector
5 General Act of 1978, as amended, \$30,625,000, to be de-
6 rived from the Bank Insurance Fund, the Savings Asso-
7 ciation Insurance Fund, and the FSLIC Resolution Fund.

8 GENERAL SERVICES ADMINISTRATION

9 FEDERAL CITIZEN INFORMATION CENTER FUND

10 For necessary expenses of the Federal Citizen Infor-
11 mation Center, including services authorized by 5 U.S.C.
12 3109, \$14,907,000, to be deposited into the Federal Cit-
13 izen Information Center Fund: *Provided*, That the appro-
14 priations, revenues, and collections deposited into the
15 Fund shall be available for necessary expenses of Federal
16 Citizen Information Center activities in the aggregate
17 amount not to exceed \$27,000,000. Appropriations, reve-
18 nues, and collections accruing to this Fund during fiscal
19 year 2005 in excess of such amount shall remain in the
20 Fund and shall not be available for expenditure except as
21 authorized in appropriations Acts.

1 UNITED STATES INTERAGENCY COUNCIL ON
2 HOMELESSNESS
3 OPERATING EXPENSES

4 For necessary expenses (including payment of sala-
5 ries, authorized travel, hire of passenger motor vehicles,
6 the rental of conference rooms, and the employment of ex-
7 perts and consultants under section 3109 of title 5, United
8 States Code) of the United States Interagency Council on
9 Homelessness in carrying out the functions pursuant to
10 title II of the McKinney-Vento Homeless Assistance Act,
11 as amended, \$1,500,000.

12 NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
13 EXPLORATION CAPABILITIES
14 (INCLUDING TRANSFER OF FUNDS)

15 For necessary expenses, not otherwise provided for,
16 in the conduct and support of exploration capabilities re-
17 search and development activities, including research, de-
18 velopment, operations, support and services; maintenance;
19 construction of facilities including repair, rehabilitation,
20 revitalization and modification of facilities, construction of
21 new facilities and additions to existing facilities, facility
22 planning and design, and acquisition or condemnation of
23 real property, as authorized by law; environmental compli-
24 ance and restoration; space flight, spacecraft control and
25 communications activities including operations, produc-
26 tion, and services; program management; personnel and

1 related costs, including uniforms or allowances therefor,
 2 as authorized by 5 U.S.C. 5901–5902; travel expenses;
 3 purchase and hire of passenger motor vehicles; not to ex-
 4 ceed \$35,000 for official reception and representation ex-
 5 penses; and purchase, lease, charter, maintenance and op-
 6 eration of mission and administrative aircraft,
 7 \$8,411,100,000, to remain available until September 30,
 8 2006, of which amounts as determined by the Adminis-
 9 trator for salaries and benefits; training, travel and
 10 awards; facility and related costs; information technology
 11 services; science, engineering, fabricating and testing serv-
 12 ices; and other administrative services may be transferred
 13 to “Exploration, science, and aeronautics” in accordance
 14 with section 424 of this Act and section 312(b) of the Na-
 15 tional Aeronautics and Space Act of 1958, as amended
 16 by Public Law 106–377: *Provided*, That of the amount
 17 under this heading, \$600,000,000 is designated as an
 18 emergency requirement pursuant to section 402 of S. Con.
 19 Res. 95 (108th Congress) as made applicable to the House
 20 of Representatives by H. Res. 649 (108th Congress) and
 21 applicable to the Senate by Section 14007 of Public Law
 22 108–287.

23 EXPLORATION, SCIENCE, AND AERONAUTICS

24 (INCLUDING TRANSFER OF FUNDS)

25 For necessary expenses, not otherwise provided for,
 26 in the conduct and support of exploration, science, and

1 aeronautics research and development activities, including
2 research, development, operations, support and services;
3 maintenance; construction of facilities including repair, re-
4 habilitation, revitalization, and modification of facilities,
5 construction of new facilities and additions to existing fa-
6 cilities, facility planning and design, and restoration, and
7 acquisition or condemnation of real property, as author-
8 ized by law; environmental compliance and restoration;
9 space flight, spacecraft control and communications activi-
10 ties including operations, production, and services; pro-
11 gram management; personnel and related costs, including
12 uniforms or allowances therefor, as authorized by 5 U.S.C.
13 5901–5902; travel expenses; purchase and hire of pas-
14 senger motor vehicles; not to exceed \$35,000 for official
15 reception and representation expenses; and purchase,
16 lease, charter, maintenance and operation of mission and
17 administrative aircraft, \$7,936,500,000, to remain avail-
18 able until September 30, 2006, of which amounts as deter-
19 mined by the Administrator for salaries and benefits;
20 training, travel and awards; facility and related costs; in-
21 formation technology services; science, engineering, fabri-
22 cating and testing services; and other administrative serv-
23 ices may be transferred to “Exploration capabilities” in
24 accordance with section 424 of this Act and section 312(b)
25 of the National Aeronautics and Space Act of 1958, as

1 amended by Public Law 106–377: *Provided*, That of the
2 amount under this heading, \$200,000,000 is designated
3 as an emergency requirement pursuant to section 402 of
4 S. Con. Res. 95 (108th Congress) as made applicable to
5 the House of Representatives by H. Res. 649 (108th Con-
6 gress) and applicable to the Senate by Section 14007 of
7 Public Law 108–287.

8 OFFICE OF INSPECTOR GENERAL

9 For necessary expenses of the Office of Inspector
10 General in carrying out the Inspector General Act of 1978,
11 as amended, \$31,600,000.

12 ADMINISTRATIVE PROVISIONS

13 Notwithstanding the limitation on the availability of
14 funds appropriated for “Exploration, science, and aero-
15 nautics”, or “Exploration capabilities” by this appropria-
16 tions Act, when any activity has been initiated by the in-
17 currence of obligations for construction of facilities or en-
18 vironmental compliance and restoration activities as au-
19 thorized by law, such amount available for such activity
20 shall remain available until expended. This provision does
21 not apply to the amounts appropriated for institutional
22 minor revitalization and construction of facilities, and in-
23 stitutional facility planning and design.

24 Notwithstanding the limitation on the availability of
25 funds appropriated for “Exploration, science, and aero-
26 nautics”, or “Exploration capabilities” by this appropria-

1 tions Act, the amounts appropriated for construction of
2 facilities shall remain available until September 30, 2007.

3 From amounts made available in this Act for these
4 activities, subject to a reprogramming of funds approved
5 by the House and Senate Committees on Appropriations,
6 the Administration may transfer amounts between the
7 “Exploration, science and aeronautics” account and the
8 “Exploration capabilities” account.

9 Funds for announced prizes otherwise authorized
10 shall remain available, without fiscal year limitation, until
11 the prize is claimed or the offer is withdrawn.

12 The unexpired balances of prior appropriations to
13 NASA for activities for which funds are provided under
14 this Act may be transferred to the new account established
15 for the appropriation that provides such activity under this
16 Act. Balances so transferred may be merged with funds
17 in the newly established account and thereafter may be
18 accounted for as one fund under the same terms and con-
19 ditions.

20 NATIONAL CREDIT UNION ADMINISTRATION

21 CENTRAL LIQUIDITY FACILITY

22 (INCLUDING TRANSFER OF FUNDS)

23 During fiscal year 2005, gross obligations of the Cen-
24 tral Liquidity Facility for the principal amount of new di-
25 rect loans to member credit unions, as authorized by 12
26 U.S.C. 1795 et seq., shall not exceed \$1,500,000,000: *Pro-*

1 *vided*, That administrative expenses of the Central Liquid-
 2 ity Facility in fiscal year 2005 shall not exceed \$310,000.

3 COMMUNITY DEVELOPMENT CREDIT UNION REVOLVING
 4 LOAN FUND

5 For the Community Development Revolving Loan
 6 Fund program as authorized by 42 U.S.C. 9812, 9822
 7 and 9910, \$1,000,000 shall be available: *Provided*, That
 8 of this amount \$200,000, together with amounts of prin-
 9 cipal and interest on loans repaid, is available until ex-
 10 pended for loans to community development credit unions,
 11 and \$800,000 is available until expended for technical as-
 12 sistance to low-income and community development credit
 13 unions.

14 NATIONAL SCIENCE FOUNDATION
 15 RESEARCH AND RELATED ACTIVITIES

16 For necessary expenses in carrying out the National
 17 Science Foundation Act of 1950, as amended (42 U.S.C.
 18 1861–1875), and the Act to establish a National Medal
 19 of Science (42 U.S.C. 1880–1881); services as authorized
 20 by 5 U.S.C. 3109; maintenance and operation of aircraft
 21 and purchase of flight services for research support; acqui-
 22 sition of aircraft; and authorized travel; \$4,404,320,000,
 23 of which not to exceed \$350,000,000 shall remain avail-
 24 able until expended for Polar research and operations sup-
 25 port, and for reimbursement to other Federal agencies for
 26 operational and science support and logistical and other

1 related activities for the United States Antarctic program;
2 the balance to remain available until September 30, 2006:
3 *Provided*, That receipts for scientific support services and
4 materials furnished by the National Research Centers and
5 other National Science Foundation supported research fa-
6 cilities may be credited to this appropriation: *Provided fur-*
7 *ther*, That to the extent that the amount appropriated is
8 less than the total amount authorized to be appropriated
9 for included program activities, all amounts, including
10 floors and ceilings, specified in the authorizing Act for
11 those program activities or their subactivities shall be re-
12 duced proportionally: *Provided further*, That \$90,000,000
13 of the funds available under this heading shall be made
14 available for a comprehensive research initiative on plant
15 genomes for economically significant crops.

16 MAJOR RESEARCH EQUIPMENT AND FACILITIES

17 CONSTRUCTION

18 For necessary expenses for the acquisition, construc-
19 tion, commissioning, and upgrading of major research
20 equipment, facilities, and other such capital assets pursu-
21 ant to the National Science Foundation Act of 1950, as
22 amended, including authorized travel, \$130,420,000, to
23 remain available until expended.

24 EDUCATION AND HUMAN RESOURCES

25 For necessary expenses in carrying out science and
26 engineering education and human resources programs and

1 activities pursuant to the National Science Foundation
2 Act of 1950, as amended (42 U.S.C. 1861–1875), includ-
3 ing services as authorized by 5 U.S.C. 3109, authorized
4 travel, and rental of conference rooms in the District of
5 Columbia, \$929,150,000, to remain available until Sep-
6 tember 30, 2006: *Provided*, That to the extent that the
7 amount of this appropriation is less than the total amount
8 authorized to be appropriated for included program activi-
9 ties, all amounts, including floors and ceilings, specified
10 in the authorizing Act for those program activities or their
11 subactivities shall be reduced proportionally.

12 SALARIES AND EXPENSES

13 For salaries and expenses necessary in carrying out
14 the National Science Foundation Act of 1950, as amended
15 (42 U.S.C. 1861–1875); services authorized by 5 U.S.C.
16 3109; hire of passenger motor vehicles; not to exceed
17 \$9,000 for official reception and representation expenses;
18 uniforms or allowances therefor, as authorized by 5 U.S.C.
19 5901–5902; rental of conference rooms in the District of
20 Columbia; and reimbursement of the General Services Ad-
21 ministration for security guard services; \$269,000,000:
22 *Provided*, That contracts may be entered into under “Sala-
23 ries and expenses” in fiscal year 2005 for maintenance
24 and operation of facilities, and for other services, to be
25 provided during the next fiscal year.

1 OFFICE OF THE NATIONAL SCIENCE BOARD

2 For necessary expenses (including payment of sala-
3 ries, authorized travel, hire of passenger motor vehicles,
4 the rental of conference rooms in the District of Columbia,
5 and the employment of experts and consultants under sec-
6 tion 3109 of title 5, United States Code) involved in car-
7 rying out section 4 of the National Science Foundation
8 Act of 1950 (42 U.S.C. 1863) and Public Law 86–209
9 (42 U.S.C. 1880 et seq.), \$4,000,000: *Provided*, That not
10 more than \$9,000 shall be available for official reception
11 and representation expenses.

12 OFFICE OF INSPECTOR GENERAL

13 For necessary expenses of the Office of Inspector
14 General as authorized by the Inspector General Act of
15 1978, as amended, \$10,110,000, to remain available until
16 September 30, 2006.

17 NEIGHBORHOOD REINVESTMENT CORPORATION

18 PAYMENT TO THE NEIGHBORHOOD REINVESTMENT

19 CORPORATION

20 For payment to the Neighborhood Reinvestment Cor-
21 poration for use in neighborhood reinvestment activities,
22 as authorized by the Neighborhood Reinvestment Corpora-
23 tion Act (42 U.S.C. 8101–8107), \$115,000,000, of which
24 \$5,000,000 shall be for a multi-family rental housing pro-
25 gram.

1 SELECTIVE SERVICE SYSTEM

2 SALARIES AND EXPENSES

3 For necessary expenses of the Selective Service Sys-
4 tem, including expenses of attendance at meetings and of
5 training for uniformed personnel assigned to the Selective
6 Service System, as authorized by 5 U.S.C. 4101–4118 for
7 civilian employees; purchase of uniforms, or allowances
8 therefor, as authorized by 5 U.S.C. 5901–5902; hire of
9 passenger motor vehicles; services as authorized by 5
10 U.S.C. 3109; and not to exceed \$750 for official reception
11 and representation expenses; \$26,300,000: *Provided*, That
12 during the current fiscal year, the President may exempt
13 this appropriation from the provisions of 31 U.S.C. 1341,
14 whenever the President deems such action to be necessary
15 in the interest of national defense: *Provided further*, That
16 none of the funds appropriated by this Act may be ex-
17 pended for or in connection with the induction of any per-
18 son into the Armed Forces of the United States.

19 TITLE IV—GENERAL PROVISIONS

20 SEC. 401. No part of any appropriation contained in
21 this Act shall remain available for obligation beyond the
22 current fiscal year unless expressly so provided herein.

23 SEC. 402. No funds appropriated by this Act may be
24 expended—

1 (1) pursuant to a certification of an officer or
2 employee of the United States unless—

3 (A) such certification is accompanied by,
4 or is part of, a voucher or abstract which de-
5 scribes the payee or payees and the items or
6 services for which such expenditure is being
7 made; or

8 (B) the expenditure of funds pursuant to
9 such certification, and without such a voucher
10 or abstract, is specifically authorized by law;
11 and

12 (2) unless such expenditure is subject to audit
13 by the General Accounting Officer or is specifically
14 exempt by law from such audit.

15 SEC. 403. None of the funds provided in this Act to
16 any department or agency may be obligated or expended
17 for: (1) the transportation of any officer or employee of
18 such department or agency between the domicile and the
19 place of employment of the officer or employee, with the
20 exception of an officer or employee authorized such trans-
21 portation under 31 U.S.C. 1344 or 5 U.S.C. 7905 or (2)
22 to provide a cook, chauffeur, or other personal servants
23 to any officer or employee of such department or agency.

24 SEC. 404. None of the funds provided in this Act may
25 be used for payment, through grants or contracts, to re-

1 cipients that do not share in the cost of conducting re-
2 search resulting from proposals not specifically solicited
3 by the Government: *Provided*, That the extent of cost
4 sharing by the recipient shall reflect the mutuality of in-
5 terest of the grantee or contractor and the Government
6 in the research.

7 SEC. 405. None of the funds provided in this Act may
8 be used, directly or through grants, to pay or to provide
9 reimbursement for payment of the salary of a consultant
10 (whether retained by the Federal Government or a grant-
11 ee) at more than the daily equivalent of the rate paid for
12 level IV of the Executive Schedule, unless specifically au-
13 thorized by law.

14 SEC. 406. None of the funds provided in this Act may
15 be used to pay the expenses of, or otherwise compensate,
16 non-Federal parties intervening in regulatory or adjudica-
17 tory proceedings. Nothing herein affects the authority of
18 the Consumer Product Safety Commission pursuant to
19 section 7 of the Consumer Product Safety Act (15 U.S.C.
20 2056 et seq.).

21 SEC. 407. Except as otherwise provided under exist-
22 ing law, or under an existing Executive order issued pur-
23 suant to an existing law, the obligation or expenditure of
24 any appropriation under this Act for contracts for any
25 consulting service shall be limited to contracts which are:

1 (1) a matter of public record and available for public in-
2 spection; and (2) thereafter included in a publicly available
3 list of all contracts entered into within 24 months prior
4 to the date on which the list is made available to the public
5 and of all contracts on which performance has not been
6 completed by such date. The list required by the preceding
7 sentence shall be updated quarterly and shall include a
8 narrative description of the work to be performed under
9 each such contract.

10 SEC. 408. None of the funds appropriated in this Act
11 may be used to implement any cap on reimbursements to
12 grantees for indirect costs, except as published in Office
13 of Management and Budget Circular A-21.

14 SEC. 409. Such sums as may be necessary for fiscal
15 year 2005 pay raises for programs funded by this Act shall
16 be absorbed within the levels appropriated in this Act.

17 SEC. 410. (a) It is the sense of the Congress that,
18 to the greatest extent practicable, all equipment and prod-
19 ucts purchased with funds made available in this Act
20 should be American-made.

21 (b) In providing financial assistance to, or entering
22 into any contract with, any entity using funds made avail-
23 able in this Act, the head of each Federal agency, to the
24 greatest extent practicable, shall provide to such entity a

1 notice describing the statement made in subsection (a) by
2 the Congress.

3 SEC. 411. None of the funds made available in this
4 Act may be used for any program, project, or activity,
5 when it is made known to the Federal entity or official
6 to which the funds are made available that the program,
7 project, or activity is not in compliance with any Federal
8 law relating to risk assessment, the protection of private
9 property rights, or unfunded mandates.

10 SEC. 412. Except in the case of entities that are
11 funded solely with Federal funds or any natural persons
12 that are funded under this Act, none of the funds in this
13 Act shall be used for the planning or execution of any pro-
14 gram to pay the expenses of, or otherwise compensate,
15 non-Federal parties to lobby or litigate in respect to adju-
16 dicatory proceedings funded in this Act. A chief executive
17 officer of any entity receiving funds under this Act shall
18 certify that none of these funds have been used to engage
19 in the lobbying of the Federal Government or in litigation
20 against the United States unless authorized under existing
21 law.

22 SEC. 413. No part of any funds appropriated in this
23 Act shall be used by an agency of the executive branch,
24 other than for normal and recognized executive-legislative
25 relationships, for publicity or propaganda purposes, and

1 for the preparation, distribution or use of any kit, pam-
2 phlet, booklet, publication, radio, television or film presen-
3 tation designed to support or defeat legislation pending
4 before the Congress, except in presentation to the Con-
5 gress itself.

6 SEC. 414. All departments and agencies funded under
7 this Act are encouraged, within the limits of the existing
8 statutory authorities and funding, to expand their use of
9 “E-Commerce” technologies and procedures in the con-
10 duct of their business practices and public service activi-
11 ties.

12 SEC. 415. None of the funds made available in this
13 Act may be transferred to any department, agency, or in-
14 strumentality of the United States Government except
15 pursuant to a transfer made by, or transfer authority pro-
16 vided in, this Act or any other appropriation Act.

17 SEC. 416. None of the funds provided in this Act to
18 any department or agency shall be obligated or expended
19 to procure passenger automobiles as defined in 15 U.S.C.
20 2001 with an EPA estimated miles per gallon average of
21 less than 22 miles per gallon.

22 SEC. 417. Section 312 of the National Aeronautics
23 and Space Administration Act of 1958, as amended, is
24 further amended—

1 (1) by striking the second Sec. “312” and in-
2 serting “313”;

3 (2) by inserting the title, “Full Cost Appropria-
4 tions Account Structure”, before Sec. 313;

5 (3) in subsection (a)—

6 (A) by striking “Human space flight” and
7 inserting “Exploration capabilities”;

8 (B) by striking “Science, aeronautics, and
9 technology” and inserting “Exploration, science
10 and aeronautics”; and

11 (C) by striking “2002” and inserting
12 “2004”; and

13 (4) by striking subsection (c), and inserting the
14 following new subsection:

15 “(c) The unexpired balances of prior appropriations
16 to the Administration for activities authorized under this
17 Act may be transferred to the new account established for
18 such activity in subsection (a). Balances so transferred
19 may be merged with funds in the newly established ac-
20 count and thereafter may be accounted for as one fund
21 under the same terms and conditions”.

22 SEC. 418. None of the funds made available in this
23 Act may be used to implement any policy prohibiting the
24 Directors of the Veterans Integrated Service Networks

1 from conducting outreach or marketing to enroll new vet-
2 erans within their respective Networks.

3 SEC. 419. It is the sense of Congress that no veteran
4 should wait more than 30 days for an initial doctor's ap-
5 pointment.

6 SEC. 420. None of the funds made available to NASA
7 in this Act may be used for voluntary separation incentive
8 payments as provided for in subchapter II of chapter 35
9 of title 5, United States Code, unless the Administrator
10 of NASA has first certified to Congress that such pay-
11 ments would not result in the loss of skills related to the
12 safety of the Space Shuttle or the International Space Sta-
13 tion or to the conduct of independent safety oversight in
14 the National Aeronautics and Space Administration.

15 SEC. 421. (a) TREATMENT OF PIONEER HOMES IN
16 ALASKA AS STATE HOME FOR VETERANS.—For this fiscal
17 year and each fiscal year hereafter, the Secretary of Vet-
18 erans Affairs may—

19 (1) treat the Pioneer Homes in the State of
20 Alaska collectively as a single State home for vet-
21 erans for purposes of section 1741 of title 38,
22 United States Code; and

23 (2) make per diem payments to the State of
24 Alaska for care provided to veterans in the Pioneer

1 Homes in accordance with the provisions of that sec-
2 tion.

3 (b) TREATMENT NOTWITHSTANDING NON-VETERAN
4 RESIDENCY.—The Secretary may treat the Pioneer
5 Homes as a State home under subsection (a) notwith-
6 standing the residency of non-veterans in one or more of
7 the Pioneer Homes.

8 (c) PIONEER HOMES DEFINED.—In this section, the
9 term “Pioneer Homes” means the six regional homes in
10 the State of Alaska known as Pioneer Homes, which are
11 located in the following:

12 (1) Anchorage, Alaska.

13 (2) Fairbanks, Alaska.

14 (3) Juneau, Alaska.

15 (4) Ketchikan, Alaska.

16 (5) Palmer, Alaska.

17 (6) Sitka, Alaska.

18 (d) LIMITATION.—The number of beds occupied by
19 veterans collectively in the six Pioneer Homes listed under
20 subsection (c) for which per diem would be paid under
21 this authority shall not exceed the number of veterans in
22 state beds that otherwise would be permitted in Alaska
23 under the Department of Veterans Affairs state home reg-
24 ulations governing the number of beds per veteran popu-
25 lation.

1 SEC. 422. Of the amounts available to the National
2 Aeronautics and Space Administration, such sums as may
3 be necessary for the benefit of the families of the astro-
4 nauts who died on board the Space Shuttle Columbia on
5 February 1, 2003, are available under the terms of section
6 203(c)(13) of the National Aeronautics and Space Act of
7 1958, as amended, independent of the limitations estab-
8 lished therein.

9 SEC. 423. Section 428 of the Departments of Vet-
10 erans Affairs and Housing and Urban Development, and
11 Independent Agencies Appropriations Act, 2004 is amend-
12 ed—

13 (1) in subsection (c), by inserting “new” before
14 “spark ignition engines”; and

15 (2) in subsection (d), by striking out “The pro-
16 hibition in subsection (e)” and inserting in lieu
17 thereof: “The prohibition in subsection (c)”.

18 SEC. 424. Except as otherwise provided in this Act
19 or accompanying statement of managers or through a re-
20 programming of funds approved by the House and Senate
21 Committees on Appropriations, no part of any appropria-
22 tion for the National Aeronautics and Space Administra-
23 tion shall be available for any program, project or activity
24 in excess of amounts set forth by program or activity in
25 the fiscal year 2005 budget justifications (or subsequent

1 budget amendment) submitted to the Congress: *Provided*,
 2 That to the extent any part of this provision is determined
 3 to be unconstitutional, the remainder of the provision shall
 4 be considered severable from such part and legally effective.
 5

6 SEC. 425. No funds in this or any other bill may be
 7 used to implement section 338 of the Department of the
 8 Interior and Related Agencies Appropriations Act, 2005.

9 SEC. 426. NATIONAL DAIRY MARKET LOSS PAY-
 10 MENTS. (a) IN GENERAL.—Section 1502 of the Farm Security
 11 and Rural Investment Act of 2002 (7 U.S.C. 7982)
 12 is amended—

13 (1) in subsection (c)(2)(A), by striking
 14 “\$16.94” and inserting “\$17.10”;

15 (2) in subsection (d)(2), by striking the second
 16 sentence; and

17 (3) in subsections (f) and (g)(1), by striking
 18 “2005” each place it appears and inserting “2007”.

19 (b) PERIOD OF EFFECTIVENESS.—Notwithstanding
 20 section 257 of the Balanced Budget and Emergency Deficit
 21 Control Act of 1985 (2 U.S.C. 907)—

22 (1) the amendments made by paragraphs (1)
 23 and (2) of subsection (a) shall be effective only during
 24 the period beginning October 1, 2005, and ending
 25 September 30, 2007; and

1 (2) the amendments made by subsection (a)(3)
2 shall be effective only during the period beginning on
3 the first day of the first month beginning after the
4 date of enactment of this Act and ending September
5 30, 2007.

6 This Act may be cited as the “Departments of Vet-
7 erans Affairs and Housing and Urban Development, and
8 Independent Agencies Appropriations Act, 2005”.

Calendar No. 708

108TH CONGRESS
2D Session

S. 2825

[Report No. 108-353]

A BILL

Making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2005, and for other purposes.

SEPTEMBER 21, 2004

Read twice and placed on the calendar